

CITY OF DIXON

MUNICIPAL CODE

DIXON MUNICIPAL CODE UPDATES

The Dixon Municipal Code was adopted by ordinance no. 03-006 on May 27, 2003. It has been amended by the following ordinances:

<u>Ordinance No.</u>	<u>Date</u>
03-006	5/27/03
03-011	9/9/03
04-002	1/13/04
04-006	6/22/04
04-010	10/26/04
05-003	6/28/05
05-010	10/25/05
06-012	11/28/06
07-002	1/23/07
07-003	1/23/07
07-017	10/9/07
07-019	12/11/01
07-023	12/11/07
08-001	1/22/08
08-009	3/25/08
08-010	4/8/08
08-012	7/22/08
08-015	9/23/08
08-016	10/14/08
09-004	3/10/09
09-005	3/10/09
09-006	3/10/09
09-008	5/10/09
09-009	5/10/09
09-011	4/28/09
09-012	5/12/09
09-013	5/12/09
09-014	5/12/09
09-015	5/12/09
09-026	12/8/09
09-027	12/8/09
10-005	5/11/10
11-001	1/11/11
11-005	4/26/11

NOTE TO WEB USERS: The Dixon Municipal Code does not include all of the City's codified ordinances, many of which are found only in the older Dixon City Code which is not yet available in digital form. The Dixon City Code is available at the Dixon City Clerk's Office for review. You should therefore be cautious in drawing conclusions based solely on the provisions of the Dixon Municipal Code.

Sections marked as "Reserved" are intended for the future consolidation of the Dixon City Code into the Dixon Municipal Code.

Dixon Municipal Code

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[Reserved] **Title 18**

**TITLE 1
GENERAL PROVISIONS**

Chapter 1.01 Adoption of Code

Sections:

- 1.01.010 Code Adopted.**
- 1.01.020 Continuing Effect of Prior Codes.**
- 1.01.030 Title, Chapter and Section Headings.**
- 1.01.040 Effect on Matters of Record – Reference to Ordinances.**
- 1.01.050 Effect on Past Actions and Obligations.**

1.01.010 Code Adopted.

The Dixon Municipal Code, three copies of which are on file in the office of the City Clerk, is hereby adopted as a comprehensive and codified ordinance of the City. (Legislative History Ord. No. 03-006)

1.01.020 Continuing Effect of Prior Codes.

Except as otherwise provided by this Code or by ordinance, the 1974 Code of the City of Dixon, previously adopted as a comprehensive and codified ordinance of the City shall remain in full force and effect. In the event of any conflict between the provisions of the 1974 Code and this Code, the provisions of this Code shall apply. The provision of this Code, insofar as they are the same as those of the 1974 Code or other ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof, and not as new enactments. (Legislative History Ord. No. 03-006)

1.01.030 Title, Chapter, and Section Headings.

Title, chapter and section headings are contained in this Code for the purpose of reference, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of this Code. (Legislative History Ord. No. 03-006)

1.01.040 Effect on Matters of Record — Reference to Ordinances.

The provisions of this Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances designated by name or number and included within the 1974 Code. Such reference shall be construed to apply to the corresponding provisions contained within this Code. (Legislative History Ord. No. 03-006)

1.01.050 Effect on Past Actions and Obligations.

Neither the adoption of this Code, nor the repeal or amendment of the 1974 Code or

any other ordinance or part of any ordinance or a section thereof, shall in any manner affect the prosecution for violations of ordinances committed prior to the effective date of this Code, nor shall such adoption be deemed a waiver of any license, fee or penalty due and unpaid under the 1974 Code or such other ordinances on the effective date of this Code. The adoption of this Code and the repeal or amendment of any portion of the 1974 Code or any other ordinance, the provisions of which are moved into this Code shall not be construed to affect any of the provisions of the 1974 Code or that ordinance. All rights and obligations under the repealed, amended and reenacted provisions of the 1974 Code or other ordinances which constitute this Code shall continue in full force and effect notwithstanding the repeal, amendment and reenactment of those provisions of the 1974 Code or such other ordinances under which such rights and obligations arose.

1. Designation of the form of any gender includes the masculine, the feminine, and the neuter genders.
2. The singular number includes the plural and the plural includes the singular.
3. Words used in the present tense include the past and future, and vice-versa, unless manifestly inapplicable. (Legislative History Ord. No. 03-006)

Chapter 1.02 General Provisions

Sections:

- | | |
|-----------------|--|
| 1.02.010 | Definitions. |
| 1.02.020 | Grammatical Interpretation. |
| 1.02.030 | Prohibited Acting Include Aiding or Concealing. |
| 1.02.040 | Official Time. |

1.02.010 Definitions.

In the construction or interpretation of this Code the following definitions and rules shall be used, unless such definitions or rules would be inconsistent with the manifest intent of the language or the context clearly otherwise requires, or unless a contrary definition is provided in the portion of this Code being construed.

“City” or **“the City”** means the City of Dixon, California, a municipal corporation, and all of the territory within its boundaries.

“Clerk” or **“City Clerk”** means the City Clerk of the City or his or her designee.

“Code” shall mean this Dixon Municipal Code, as distinguished from prior codes which codified the ordinances of the City, including the Dixon City Code (also known as the “City Code” or the “1974 Code”).

“Council” shall mean the City Council of the City.

“County” shall mean Solano County, State of California.

“Day” means a calendar day.

“Manager” or **“City Manager”** means the City Manager of the City or his or her designee.

“Month” means a calendar month.

“Oath” shall include affirmations as provided by law.

“Owner” shall include any part owner, joint owner, tenant in common, joint tenant or tenant of the entirety, of the whole or of the part.

“Person” means any natural person, joint venture, limited liability company, joint venture, joint stock company, partnership (whether general or limited), association (whether or not incorporated), club, company, corporation, business, trust, or any other organization.

“Property” includes both real and personal property.

“Shall” is mandatory, **“must”** is mandatory, and **“may”** is permissive. **“State”** means the State of California.

“Week” means a period of seven (7) consecutive days.

“Year” means a calendar year.

All words and phrases shall be construed and understood according to their common, general usage of the language; but technical words and phrases and others as may have acquired a particular and appropriate meaning in the law shall be construed and understood according to such particular and appropriate meaning. (Legislative History Ord. No. 03-006)

1.02.020 Grammatical Interpretation.

1. Designation of the form of any gender includes the masculine, the feminine, and the neuter genders.
2. The singular number includes the plural and the plural includes the singular.
3. Words used in the present tense include the past and future, and vice versa, unless manifestly inapplicable.

(Legislative History Ord. No. 03-006)

1.02.030 Prohibited Acting Include Aiding or Concealing.

Whenever any act or omission is made unlawful by this Code, the prohibition shall include causing, allowing, permitting, aiding, abetting, or concealing the fact of such act or omission. (Legislative History Ord. No. 03-006)

1.02.040 Official Time.

Whenever certain hours of the day are specified in this Code, they shall mean Pacific Standard Time or Daylight Savings Time, which ever is then in current use in the State. (Legislative History Ord. No. 03-006)

1.02.050 Official Holidays.

The holidays of the City of Dixon shall be those set forth in the Personnel Rules of the City of Dixon, as amended from time to time by resolution of the City Council. (Dixon City Code 2.6.1) (Legislative History Ord. No. 03-006; 07-002)

Chapter 1.03 [Reserved]

Chapter 1.04 Claims Against the City

Sections:

1.04.010 Claims Against the City.

1.04.020 Procedures.

1.04.010 Claims Against the City.

A. To the extent that the law of the State of California, including but not limited to that portion of the "Government Claims Act" (also know as the "Tort Claims Act") and referred to in this section as "the Act", California Govt. Code, section 900 et seq.) dealing with claims, sets forth a procedure applicable to claims against local public entities (including the City) and the officers and employees of such local public entities, such State laws shall govern the requirement for, and the procedure for disposing of, ordinances of the City.

B. To the extent that a person is not obligated to file a claim by the terms of the Act or other State law, no person shall bring any action, whether in law or equity, for the payment of any money by the City, its officers or employees, for any reason or upon any cause of action whatsoever without first having presented a claim pursuant to this section. It is the intent of this section that, to the fullest extent permitted by law, all actions against the City for money, whether for damages or otherwise, shall be preceded by an administrative claim.

C. Except as otherwise provided in this section, the required content of the claims

required by this section, the time period in which to present such a claim and the procedure for payment of claims, rejection of claims, and notice of insufficiency of claims shall be governed by the Act.

D. Claims for refunds of taxes, penalties or costs (referred to jointly as "taxes" for purposes of this subsection) shall be made as provided in subsections B and C, except that;

1. Claims for refunds of taxes may be made in the following circumstances:
 - (a) Where the taxes were paid more than once, or erroneously or illegally collected.
 - (b) Where the taxes were paid upon an assessment in excess of the actual cash value of the assessed property, by reason of the assessor's clerical error or excessive or improper assessments attributable to erroneous property information supplied by the assessor.
 - (c) Where the taxes are paid on an assessment of improvements when the improvements did not exist on the lien date.
2. Claims for refunds of taxes must be filed with the City Clerk not later than one (1) year after making the payment sought to be refunded. All claims shall be verified by the claimant under penalty of perjury.

Claims for refunds of taxes may be made only by a person who has paid the tax alleged to be improper. (Dixon City Code 2.31) (Legislative History Ord. No. 07-002.)

1.04.020 Procedures.

A. Pursuant to the authority contained in Section 935 of the California Government Code, the following claims procedures are established for those claims against the City for money or damages not now governed by State or local laws.

B. Notwithstanding the exceptions contained in Section 905 of the California Government Code, all claims against the City for damages or money, including, but not limited to those set forth in Section 905 of the California Government Code, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Section 910 through 915.2 of the California Government Code. Such claims shall further be subject to the provisions of Section 945.4 of the California Government Code relating to the prohibition of suits in the absence of the presentation of claims and claims and actions thereon by the Council. (Ord. No. 9301; Dixon City Code 2.32) (Legislative History Ord. No. 07-002)

Chapter 1.05 Appeals and Judicial Review

Sections:

1.05.010	[Reserved]
1.05.020	[Reserved]
1.05.030	[Reserved]
1.05.040	[Reserved]
1.05.050	Judicial Review.
1.05.010	[Reserved]
1.05.020	[Reserved]
1.05.030	[Reserved]
1.05.040	[Reserved]

1.05.050 Judicial Review.

Judicial review of any decisions made by the City Council or by any City officer, agency, commission or board pursuant to Section 1094.5 of the Code of Civil Procedure may be made only if the petition for writ of mandate is filed within the time limits specified in this section.

A. Any such petition shall be filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable ordinance or rule, then, for the purposes of this section, the decision is final on the date it is made. If there is such a provision for reconsideration, the decision is final for the purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date that reconsideration is rejected.

B. If the petitioner requests a record of the proceedings, the City may, pursuant to Code of Civil Procedure, Section 1094.6 (c), recover from the petitioner the actual costs for transcribing or otherwise preparing the record.

C. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition pursuant to Section 1094.5 of the Code of Civil Procedure may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney of record.

D. As used in this section, "decision" means an adjudicatory, administrative decision made after hearing, suspending, demoting, or dismissing an officer or employee, revoking or denying an application for a permit or license, or denying an application for any retirement or allowance.

E. In making a final decision, the City shall provide notice to the party regarding the time within which judicial review must be sought. (Legislative History Ord. No. 07-002)

Chapter 1.06 Enforcement and Penalties

Sections:

- 1.06.010** **Right of Entry.**
- 1.06.020** **Responsibility for Enforcement.**
- 1.06.030** **Responsibility for Prosecution.**
- 1.06.040** **State Law Compliance During Arrest.**
- 1.06.050** **Violations, General Penalty, Public Nuisance.**
- 1.06.060** **Continuing Violation.**

1.06.010 **Right of Entry.**

A. Whenever necessary to ascertain the existence of any violation of this Code, or of any ordinance of the City, or whenever there is reasonable cause to believe that there exists such a violation, any authorized agent of the City may enter onto any premises or into any building upon presentation of proper credentials to the owner and/or the occupant thereof.

B. In those situations where there is no owner and/or occupant present, or when such person refuses to permit entry, the agent shall give the owner and/or occupant twenty-four (24) hours written notice of any intention to enter onto such premises. The notice shall advise the owner and/or occupant that in the event the right of entry is refused, entry will be obtained under an inspection warrant issued pursuant to California Code of Civil Procedure section 1822.50 et seq. or other applicable warrant permitting a search of the premises pursuant to the Constitutions of the United States and the State.

C. The City Attorney is authorized to assist the authorized agents of the City in obtaining a warrant or other legal process to permit the search of premises.

D. Nothing in this section shall be construed to limit the ability to affect an immediate entry if:

1. An emergency situation exists.
2. Where entry without a warrant is permitted by the Constitutions of the United States and the State and/or any federal or State law.
3. To impound any vicious or rabid animal.

(Legislative History Ord. No. 03-006)

1.06.020 **Responsibility for Enforcement.**

The City Manager and his or her designated representative shall be responsible for the enforcement of all provisions of this Code. (Legislative History Ord. No. 03-006)

1.06.030 Responsibility for Prosecution.

The City Attorney, and/or the District Attorney of the County, may prosecute violations of the provisions of this Code, or take such other legal action as may be required to secure compliance with the provisions of this Code. (Legislative History Ord. No. 03-006)

1.06.040 State Law Compliance During Arrest.

The arrest of persons violating the provisions of this Code, including the issuance to any such person, not immediately taken before a magistrate, of a written notice to appear in court, shall be carried out in accordance with the general laws of the State. (Legislative History Ord. No. 03-006)

1.06.050 Violations, General Penalty, Public Nuisance.

A. It is unlawful to violate any of the provisions of this Code, or to do any act prohibited by this Code, or to omit or fail to do any act required by this Code.

B. Except where violation of this Code is expressly made a misdemeanor, the violation of any provision of this Code shall be punishable as an infraction. Penalties for infraction and misdemeanor violations of this Code shall be the same as those provided in the general laws of this State provided, however, that the Council may by resolution establish a bail schedule for specified sections of this Code which bail schedule shall be transmitted by the City Clerk to the Presiding Judge of Solano County.

C. In addition to any other remedy or provision of law, the violation of any of the provisions of this Code, or the doing of any act prohibited by this Code, or the omission or failure to do any act required by this Code, is hereby declared to constitute a public nuisance. (Legislative History Ord. No. 03-006)

1.06.060 Continuing Violation.

Each day that a violation of this code continues shall constitute a separate and distinct offence. (Legislative History Ord. No. 03-006)

TITLE 2

ADMINISTRATION

Chapter 2.01 City Council

Sections:

- 2.01.010 City Hall Designed.**
- 2.01.020 City Logotype.**
- 2.01.030 Council Meetings.**
- 2.01.040 Vacancy Filling Procedures.**

2.01.010 City Hall Designated.

A. That certain one-story building known and designated as 600 East A Street in the City is hereby designated as the City Hall in and for the City.

B. That certain room in the one-story building located at 600 East A Street in the City is hereby fixed and designated as the Council Chambers of the City Council of the City. (Dixon City Code 2.1) (Legislative History Ord. No. 07-003)

2.01.020 City Logotype.

A. The City Council may establish or create from time to time, a City logotype or insignia. The City of Dixon claims all rights and title, including copyrights and/or trademark, to such City logotype or insignia, and claims every right to control the use of any such City logotype or insignia. (Ord. No. 9213)

B. The City name, seal, logotype or insignia shall not be used by any person without the express prior written permission of the City Manager. The City Manager shall not, however, permit the City name, seal, logotype or insignia to be used for any for-profit or political purpose. The City Council may permit the City name, seal, logotype or insignia to be used for a for-profit purpose by adoption of a written resolution. (Dixon City Code 2.2, 2.2.1) (Legislative History Ord. No. 07-003)

2.01.030 Council Meetings.

The regular meetings of the City Council shall be held in the City Council Chambers on the second and fourth Tuesday of each month, beginning at the hour of 7:00 p.m. Except as provided by the Ralph M. Brown Act, no notice of any adjournment of any regular meeting or adjourned regular meeting, when such adjournment is made by the Council or by a member thereof, need be given, as all members of the Council are hereby charged with the duty and responsibility of ascertaining the time and place of each, every one, and all of such adjourned meetings. (Dixon City Code 2.3) (Legislative History Ord. No. 07-003)

2.01.040 Vacancy Filling Procedure.

A. A vacancy on the City Council may be filled by appointment or call of a special election in the manner prescribed by law. Alternatively, the City Council may appoint a person to fill a vacancy on the City council to hold office only until the date of a special election, which shall be immediately called to fill the remainder of the term. The special election may be held on the date of the next regularly established municipal election or other regularly established election to be held in the City more than 114 days from the call of the special election. (Legislative History Ord. No. 07-003; 08-015.)

Chapter 2.02 City Commissions

Sections:

2.02.010 Term Limits.

2.02.020 Vacancy Caused by Absence.

2.02.010 Term Limits.

A. All appointees to any other board, commissions, or committee, either presently existing, or which may be formed in the future, shall be limited to serving two (2) full consecutive terms, as those terms are provided for such commission, board, or committee within the rules of the city.

B. In the event a member of any board, committee, or commission was appointed to fill an unexpired term of a member, said member may serve the remainder of the unexpired term to which he or she was appointed, and, if reappointed by the Mayor, then serve two additional consecutive terms. (Ord. No. 7317, §3; Dixon City Code 2.6.2) (Legislative History Ord. No. 07-003)

2.02.020 Vacancy Caused by Absence.

A. If a member of any commission or board is absent without cause from more than two (2) successive regular meetings of the commission or board, or absent with or without cause from more than four (4) regular meetings in any fiscal year, the office becomes vacant automatically. The commission or board shall immediately notify the City Council of the vacancy.

B. A member is not absent without cause if his absence is:

1. due to illness or,
2. unavoidable and the member gives the secretary of the commission or board notice the date of the meeting that he will be absent and provides the reason for the absence. (Dixon City Code 2.6.3)

(Legislative History Ord. No. 07-003.)

Chapter 2.03 Planning Commission

Sections:

- 2.03.010 Planning Commission Established.**
- 2.03.020 Terms of members.**
- 2.03.030 Removal of members; vacancies.**
- 2.03.040 Chair.**
- 2.03.050 Meetings.**
- 2.03.060 Secretary.**
- 2.03.070 Powers and duties.**

2.03.010 Planning Commission Established.

A Planning Commission is hereby established pursuant to Government Code section 65101. The Planning Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council, and shall serve at the pleasure of the City Council. Members shall be residents of the City. (Legislative History Ord. No. 03-006)

2.03.020 Terms of members.

The term of office of all members shall be for four (4) years; except that no member shall serve for more than two (2) consecutive four (4) year terms. In the event a member of the Planning Commission is appointed to fill an unexpired term of a member, the member may serve the remainder of the unexpired term to which he or she was appointed, and in addition thereto, if reappointed by the Mayor, then serve two (2) full four (4) year terms. (Legislative History Ord. No. 03-006)

2.03.030 Removal of members; vacancies.

Any member of the Planning Commission may be removed from the Commission prior to the expiration of his or her term by a four-fifths (4/5) vote of the City Council. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment of the City Council for the unexpired portion of the term. (Legislative History Ord. No. 03-006)

2.03.040 Chair.

The Planning Commission shall elect one of its appointed members as Chair, who shall hold office for one (1) year, and until his or her successor is elected, unless his or her term as a member of the Commission expires.

The Commission shall hold an election for the purpose of electing a Chair during the month of July of each year. (Legislative History Ord. No. 03-006)

2.03.050 Meetings.

The Planning Commission shall meet in accordance with the provisions of the Ralph M.

Brown Act. It shall establish a regular place of meeting and shall hold at least one (1) regular meeting each month. Special meetings of the Commission may be called in accordance with the Ralph M. Brown Act. (Legislative History Ord. No. 03-006)

2.03.060 Secretary.

The City Clerk, or his or her designee, shall act as a secretary of the Planning Commission. (Legislative History Ord. No. 03-006)

2.03.070 Powers and duties.

The powers and duties of the City Planning Commission shall be as follows:

- A. To hold hearings on all zoning matters as prescribed in the Zoning Ordinance.
- B. To conduct such other hearings as are provided by law and in accordance with its own rules and regulations.
- C. To report its decisions and recommendations in writing to the City Council.
- D. To consider, formulate and propose surveys, maps and plans designed to provide for, regulate and direct the future growth, development and beautification of the City in order to secure to the City and its inhabitants better sanitation, adequate and suitable parks and open spaces, harbor development, better transportation facilities, improved public service of all kinds, proper location of public buildings, and to secure a permanent and comprehensive plan for the most economic, healthful and harmonious growth of the City.
- E. To prepare and recommend the adoption of a comprehensive long-term general plan for the physical development of the City as such plans are defined in "the Planning and Zoning Law" of the State.
- F. To make any and all recommendations to the City Council relating to the above matters, including changes or amendments to the General Plan and the Zoning Ordinance or any portion thereof.
- G. The Commission shall be charged with such additional or further duties as may from time to time be prescribed by ordinance. (Legislative History Ord. No. 03-006)

Chapter 2.04 Parks and Recreation Commission

Sections:

- 2.04.010 Parks and Recreation Commission Established.**
- 2.04.020 Terms of Members.**
- 2.04.030 Renewal of members, vacancies.**
- 2.04.040 Chair.**
- 2.04.050 Meetings.**

- 2.04.060 Secretary.**
- 2.04.070 Powers and Duties.**

2.04.010 Parks and Recreation Commission Established.

A parks and Recreation Commission is hereby established. The Parks and Recreation Commission shall consist of seven (7) members, and one (1) student alternate each of whom shall be appointed by the Mayor with the approval of the City Council. One (1) member of the Parks and Recreations Commission shall be a student representative in is or her senior year of high school. The student alternate member shall be in his or her junior year of high school. Members shall be residents of the City. Members shall serve at the pleasure of the City Council. (Legislative History Ord. No. 03-006)

2.04.020 Terms of Members.

A. The term of office of all members, except the student representative member and student alternate member, shall be for two (2) years; except that no member shall serve for more than three (3) consecutive two (2) year terms. In the event a member of the Parks and Recreation Commission is appointed to fill the unexpired term of a member, the member may serve the remainder of the unexpired term to which he or she was appointed, and in addition thereto, if reappointed by the Mayor, than serve three (3) full two (2) year terms.

B. The student alternate member's term shall coincide with the student's junior year and expiring on the following June 30. The student alternate member shall become the student representative member for one (1) year commencing with July 1 of the student's senior year and expiring on the following June 30. The student alternate member may attend all meetings and participate in discussion, but shall have no vote except in the absence of the student member. (Legislative History Ord. No. 03-006)

2.04.030 Renewal of Members, Vacancies.

Any member of the Parks and Recreation Commission may be removed from the Commission prior to the expiration of his or her term by a four-fifths (4/5) vote of the City Council. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment of the City Council for the unexpired portion of the term. (Legislative History Ord. No. 03-006)

2.04.040 Chair.

The Parks and Recreation Commission shall elect one of its appointed members as Chair, who shall hold office for one (1) year, and until his or her successor is elected unless his or her term as a member of the Commission expires. The Commission shall hold an election for the purpose of electing a Chair during the month of July of each year. (Legislative History Ord. No. 03-006)

2.04.050 Meetings.

The Parks and Recreation Commission shall meet in accordance with the provisions of the Ralph M. Brown Act. It shall establish a regular place of meeting and shall hold at least one (1) regular meeting each month. Special meetings of the Commission may be called in accordance with the Ralph M. Brown Act. (Legislative History Ord. No. 03-006)

2.04.060 Secretary.

The City Clerk, or his or her designee, shall act as secretary of the Parks and Recreation Commission. (Legislative History Ord. No. 03-006)

2.04.070 Powers and Duties.

The Parks and Recreation Commission shall act as an advisory body to the City Council in all matters pertaining to recreation, parks, recreation programs and facilities, and park programs and facilities. The Commission shall be vested with such additional power and charged with such further duties as may be prescribed by ordinance. (Legislative History Ord. No. 03-006)

Chapter 2.05 Transportation Advisory Commission

Sections:

- 2.05.010 Transportation Advisory Commission Established.**
- 2.05.020 Terms of Members.**
- 2.05.030 Removal of Members; Vacancies.**
- 2.05.040 Chair.**
- 2.05.050 Meetings.**
- 2.05.060 Secretary; Staff.**
- 2.05.070 Duties.**

2.05.010 Transportation Advisory Commission Established.

- A. The Transportation Advisory Commission is hereby established.
- B. The Transportation Advisory Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council, and shall serve at the pleasure of the City Council. All members shall be residents of the City.
- C. Of the seven (7) members, one shall be nominated by the Dixon Unified School District. (Legislative History Ord. No. 04-010)

2.05.020 Terms of Members.

- A. The term of office for all members shall be four (4) years; except that no member shall serve for more than two (2) consecutive four (4) year terms. In the event a

member of the Transportation Advisory Commission is appointed to fill an unexpired term of a member, the member may serve the remainder of the unexpired term which he or she was appointed, and in addition thereto, if reappointed by the Mayor, then serve two (2) full four (4) year terms.

B. Service by members on the former Transit Advisory Committee or Traffic Advisory Committee shall not be counted against the term limits established by this section.

C. Upon making the initial appointments pursuant to this section, four (4) persons shall be appointed to the full four (4) year term, and three (3) persons shall be appointed to a two (2) year term. Every such initial appointment, including those for two (2) years, shall be counted as a full four (4) year term for purposes of the term limits established by this section. Provided, however, that the term of each such initial appointment shall be automatically extended until the June 30th following the date on which it would otherwise expire. (Legislative History Ord. No. 04-010)

2.05.030 Removal of Members; Vacancies.

Members of the Transportation Advisory Commission serve at the pleasure of the City Council. Any member may be removed from the Commission prior to the expiration of his or her term by a four-fifths (4/5) vote of the City Council. If a vacancy shall occur other than by expiration of a term, it shall be filled by appointment by the Mayor for the remainder of the unexpired term. (Legislative History Ord. No. 04-010)

2.05.040 Chair.

The Transportation Advisory Commission shall elect one of its appointed members as its Chair, who shall hold office for one (1) year, and until his or her successor is elected, unless his or her term as a member of the Commission expires. The Commission shall hold an election for this purpose during the month of July of each year. (Legislative History Ord. No. 04-010)

2.05.050 Meetings.

The Transportation Advisory Commission shall meet in accordance with the provisions of the Ralph M. Brown Act. It shall establish a regular time and place of meeting and shall hold at least one (1) meeting every other month. Special meetings of the Commission may be called in accordance with the Ralph M. Brown Act. (Legislative History Ord. No. 04-010)

2.05.060 Secretary; Staff.

The City Clerk, or his or her designee, shall act as secretary of the Transportation Advisory Commission. The City Engineer, or his or her designee, shall act as staff to the Commission. (Legislative History Ord. No. 04-010)

2.05.070 Duties.

The Transportation Advisory Commission shall act as an advisory body to the City Council in all matters relating to traffic, transportation and transit as shall be referred to it. The Commission shall be vested with such additional powers and charged with such further duties as may be prescribed by ordinance. (Legislative History Ord. No. 04-010)

Chapter 2.06 [Reserved]

Chapter 2.07 [Reserved]

Chapter 2.08 [Reserved]

Chapter 2.09 City Officials

Sections:

- 2.09.010 Office of the City Manager.**
- 2.09.020 Removal of City Manager.**
- 2.09.030 Compensation of City Manager.**
- 2.09.040 Powers and Duties of City Manager.**
- 2.09.050 Orders and Directions of City Manager.**
- 2.09.060 [Reserved]**
- 2.09.070 [Reserved]**
- 2.09.080 [Reserved]**
- 2.09.090 [Reserved]**
- 2.09.100 Finance Director.**
- 2.09.110 [Reserved]**
- 2.09.120 [Reserved]**
- 2.09.130 [Reserved]**
- 2.09.140 Bond of Clerk and Treasurer.**

2.09.010 Office of the City Manager.

A. The office of the City Manager is hereby created and established. The City Manager shall be appointed by the City Council solely on the basis of his executive and administrative qualifications and ability, and shall hold office at and during the pleasure of the City Council.

B. Residence in the City at the time of appointment shall not be required as a condition of appointment of the City Manager. No person elected to membership on the City Council shall, subsequent to such election, be eligible for appointment as City Manager until one (1) year has elapsed after he has ceased to be a member of the City Council.

C. The City Manager shall secure a corporate surety bond or other security in compliance with the Government Code of the State to be approved and paid for by the

City Council in such sum as established by resolution of the City Council and shall be conditioned upon the faithful performance of the duties imposed on the City Manager as prescribed by this Chapter and by any other rules or laws of the City. The bond premium or any other premium associated with the security shall be paid by the City.

D. In case of the absence or disability of the City Manager, the City Council may designate some duly qualified person to perform the duties of the City Manager, during the period of absence or disability of the City Manager; subject, however, to such person furnishing a corporate surety bond and conditioned on faithful performance of the duties required to be performed, as set forth in Subsection C. (Legislative History Ord. No. 09-011; 07-003.)

2.09.020 Removal of City Manager.

A. The City Council shall appoint the City Manager for an indefinite term and may remove him or her by a three (3) member vote. At least thirty (30) days before such removal shall become effective, the City Council shall by a three (3) member vote of its members adopt a preliminary resolution stating the reason for his or her removal. By the preliminary resolution the Council may suspend the City Manager from duty, but shall in any case cause to be paid him or her forthwith any unpaid balance of his salary following the month of the adoption of the preliminary resolution. The City Council in removing the City Manager shall use its uncontrolled discretion and its action shall be final. (Ord. No. 1, 1961, §5; Ord. No. 7310)

B. Notwithstanding the provisions of this Section, the City Manager shall not be removed from his office during or within a period of ninety (90) days next succeeding any general municipal election held in the City at which election a member of the City Council is elected. The purpose of this provision is to allow any newly elected member of the City Council or a reorganized City Council to observe the actions and ability of the City Manager in the performance of the powers and duties of his office. After the expiration of the ninety (90) day period aforementioned, the provisions of Subsection A as to the removal of the City Manager shall apply and be effective. (Ord. 1, 1961, §7; Ord. No. 7310; Dixon City Code 2.25, 2.26.) (Legislative History Ord. No. 07-003)

2.09.030 Compensation of City Manager.

A. The City Manager shall receive such compensation as the City Council shall from time to time determine and fix, and such compensation shall be a proper charge against such funds as the City Council shall designate.

B. The City Manager shall be reimbursed for all sums necessarily incurred or paid by him or her in the performance of his or her duties, or incurred when traveling on business of the City under direction of the City Council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested has been presented to the City Council, and by the City Council approved and allowed. (Ord. No. 1, 1961, §7; Ord. No. 7310; Dixon City Code 2.27.) (Legislative History Ord. No. 07-003)

2.09.040 Powers and Duties of City Manager.

The City Manager shall be the administrative head of the City Government under the direction and control of the City Council, except as otherwise provided in this Chapter. He or she shall be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the following powers:

- A. Enforcement of laws and ordinances. To see that all laws and ordinances of the City are duly enforced, and that all franchise permits and privileges granted by the City are faithfully observed.
- B. Control over department heads, transfer of employees. To control, order and give directions to all heads of departments, subordinate officers and employees of the City, except elected officers and their respective staffs, and to transfer employees from one department to another; and, to consolidate or confine officers, positions, departments or units under his or her direction, (Ord. No. 8602.)
- C. Removal and appointment of officers and employees. To appoint and remove any officers and employees of the City, except the elected officers and their respective staffs, subject to ratification by the City Council in the case of department heads. (Ord. No. 8602)
- D. Exercise of control over departments, etc. To exercise control over all departments of the City Government and over all appointive officers and employees thereof, except elective officers and their respective staffs.
- E. Attend meetings of City Council. To attend all meetings of the City Council, unless excused there from by the City Council, except when his or her removal is under consideration by the Council at a closed or Executive Session thereon.
- F. Recommendation for adoption of measures and ordinances. To recommend to the City Council for adoption, such measures and ordinances as he or she deems necessary or expedient.
- G. Keep City Council advised of financial conditions and needs. To keep the City Council at all times fully advised as to the financial conditions and needs of the City.
- H. Preparation of annual budget. To prepare and submit to the City Council the annual budget.
- I. Preparation of fiscal year report on finances, etc. To prepare and to submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year, such financial report not to be confused with the City Clerk's report to the State Controller.

- J. Purchase of supplies. To purchase or cause to be purchased all supplies for all of the departments or divisions of the City.
- K. Investigation into city affairs. To make investigation into the affairs of the City, and any department or division thereof, and any contract, or the proper performance of any obligations of the City.
- L. Investigation of complaints concerning administration of City government. To investigate all complaints in relation to matters concerning the administration of the City government and in regard to the service maintained by public utilities in the city, and to see that all franchises, permits, and privileges granted by the City are faithfully performed and observed.
- M. Exercise of supervision over public buildings, parks, etc. To exercise general supervision over all public buildings, public parks, and other public property which are under the control and jurisdiction of the City Council.
- N. Devotion of entire time to duties of office. To devote his or her entire time to the duties of his office and the interest of the City.
- O. Provide leadership for civic movements. To provide leadership for civic movements designed to benefit the residents of the city when so authorized by the City Council.
- P. Supervision over operations of City departments. To supervise in general the operations of all departments of the City, securing special counsel as required.
- Q. Personnel Director. To act as personnel director or human resources director until the Council shall establish a separate office therefore.
- R. Exclusion of City Attorney from scope of surveillance. In addition to the elective officers and their respective staffs, the position of City Attorney shall be excluded from the scope of the City Manager's surveillance; however, the services and facilities of that officer shall be made available to the City Manager.
- S. Generally. To perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the City Council. (OM. No. 1, 1961, §8; Ord. No. 7310; Dixon City Code 2.28.) (Legislative History Ord. No. 07-003)

2.09.050 Orders and Directions of City Manager.

The City Council and its members shall deal with the administrative services of the City only through the City Manager, except for the purpose of inquiry, and neither the City Council nor any members thereof shall give orders to any subordinates of the City Manager. Notwithstanding the foregoing, the City Council may provide assistance in an

advisory capacity, to any department heads, so long as such assistance does not conflict with the administrative duties of the City Manager. (Dixon City Code 2.29.) (Legislative History Ord. No. 07-003)

2.09.060 [Reserved]

2.09.070 [Reserved]

2.09.080 [Reserved]

2.09.090 [Reserved]

2.09.100 Finance Director.

A. Position Created. In order to facilitate the uniform processing and development of all fiscal and budgetary functions of the City not delegated by statute, ordinance or resolution to the City Treasurer, there is hereby created the office of Finance Director for the City. The appointment or removal of the Finance Director shall be made by the City Manager subject to the ratification of the City Council.

B. Duties in General. The Finance Director shall be charged with all of the financing, accounting and auditing duties of the City, and shall be subject to all of the powers granted and imposed upon the City Clerk by the provisions of Chapter 4, Part 2, Division 3, Title IV of the California Government Code and sections 40802, 40804 and 40805 of said Government Code. The Finance Director shall perform such other fiscal duties as may be provided by ordinance, delegated from time to time by resolution of the City Council, or lawfully delegated to that office by written directive of the City Manager.

C. Transfer of Clerk Duties. In accordance with Section 40805.5 of the California Government Code all of the financing and accounting duties imposed upon the City Clerk under Sections 40802 through 40805 of said Government Code are transferred to the Finance Director and the City Clerk is hereby relieved of all said duties.

D. Bonding. The Finance Director shall secure a corporate surety bond or other security in compliance with the Government Code to be approved and paid for by the City Council in such sum as established by resolution of the City Council and shall be conditioned upon the faithful performance of the duties imposed on the Finance Director as prescribed by the Section and by any other rules or laws of the City. The bond premium or any other premium associated with the security shall be paid by the City.

E. Combining Position. The position of Finance Director may be combined with that of any other non-elected office in the City by resolution of the City Council.

F. Absence or Disability. Should the Finance Director be absent from work or disabled, the City Manager, with the prior approval of the City Council, may designate a temporary acting Finance Director. Alternatively, the City Council by resolution may

designate the City Manager to act as the temporary Finance Director under such circumstances. (Legislative History Ord. No. 09-011.)

2.09.110 [Reserved]

2.09.120 [Reserved]

2.09.130 [Reserved]

2.09.140 [Reserved]

2.09.150 Bonds of Clerk and Treasurer.

A. Pursuant to the requirements of the laws of the State with reference thereto, and in particular Section 36518 of the Government Code of the State, the City Clerk and the City Treasurer shall, respectively, before entering upon the duties of their respective offices, each execute a bond in accordance with the requirements of the provisions of the Government Code and any other laws of the State applying or relating to bonds of public officers. The penal sum of such respective bonds shall be and the same is hereby respectively fixed by the City Council as follows:

1. City Clerk. The official bond of the City clerk shall be in the penal sum or amount of ten thousand dollars (\$10,000).
2. City Treasurer. The official bond of the City Treasurer shall be in the penal sum or amount of one thousand dollars (\$1,000).

B. In the event that the bonds are executed by the City Clerk and City Treasurer pursuant to Subsection A, the bonds shall be joint and several in form and shall be signed by the respective principals and by the corporate surety, which surety must be authorized as provided by law to transact a general surety business in the state, and each of the bonds must be conditioned as provided by law. Each of the bonds shall be subject to the approval of the City Council as to sufficiency of the surety and as to provisions, and by the City Attorney as to form.

C. The bonds or other security of the City Treasurer and the City Clerk shall be filed in accordance with the requirements of the California Government Code. (Legislative History Ord. No. 09-011.)

Chapter 2.10 [Reserved]

Chapter 2.11 Elections

2.11.010 General Municipal Election Date.

Pursuant to California Election code sections 1000 and 1301, the General Municipal Election of the City of Dixon shall be held on the same date as the statewide general election, which is the first Tuesday after the first Monday of November in each even-numbered year. (Legislative History Ord. No. 08-010.)

TITLE 3
[Reserved]

TITLE 4
[Reserved]

TITLE 5
[Reserved]

TITLE 6

BUSINESS LICENSES AND REGULATIONS

Chapter 6.10 Video Service Provided By State Franchise Holders

Sections:

- 6.10.010 Purpose and Applicability.
- 6.10.020 Definitions.
- 6.10.030 Franchise Fee for State Franchise Holders.
- 6.10.040 Public, Educational and Government Channel Facilities.
- 6.10.050 Payment of Fees.
- 6.10.060 Customer Service Penalties for State Franchise Holders.
- 6.10.070 Appeal Process for Customer Service Penalties.
- 6.10.080 Public Rights-of-Way.
- 6.10.090 Authority to Examine and Audit Business Records.
- 6.10.100 Environmental Review.
- 6.10.110 Emergency Alert System.
- 6.10.120 Non-discriminatory Video Service.

6.10.010 Purpose and Applicability.

The purpose of this chapter is to set forth regulations for the provision of video service by state franchise holders, in accordance with the Digital Infrastructure and Video Competition Act, California Public Utilities Code sections 5800 et seq (“DIVCA”). This chapter shall apply only to video service providers issued a state franchise to serve any area within the City by the California Public Utilities Commission (“CPUC”) pursuant to DIVCA. (Legislative History Ord. No. 07-017.)

6.10.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

“**Cable service**” shall have the meaning given that term by the California Public Utilities Code section 5830(c).

“**City**” shall mean the City of Dixon.

“**Franchise**” shall have the meaning given that term by the California Public Utilities Code section 5830(f).

“**Franchise fee**” shall have the meaning given that term by the California Public Utilities Code section 5830(g).

“**Gross revenues**” shall have the meaning given that term by the California Public Utilities Code section 5860.

“**Holder**” shall have the meaning given that term by the California Public Utilities Code section 5830(i).

“**Incumbent cable operator**” shall have the meaning given that term by the California Public Resources Code section 21067.

“**Lead agency**” shall have the meaning given that term by the California Public Resources Code section 21067.

“**Local franchise**” shall mean a cable television franchise, permitting the incumbent cable operator to own, operate, and maintain a cable system and provide cable services within the City, issued by the City prior to December 31, 2006.

“**Material breach**” shall have the meaning given that term by the California Public Utilities Code section 5900(j).

“**Network**” shall have the meaning given that term by the California Public Utilities Code section 5830(l).

“**Public right-of-way**” shall have the meaning given that term by the California Public Utilities Code section 5830(o).

“**State franchise**” shall have the meaning given that term by the California Public Utilities Code section 5830(p).

“**Video service**” shall have that meaning given that term by the California Public Utilities Code section 5830(s). (Legislative History Ord. No. 07-017.)

6.10.030 Franchise Fee for State Franchise Holders.

Any state franchise holder shall remit to the City a franchise fee in the amount of five percent (5%) of the gross revenues of the state franchise holder in compliance with California Public Utilities Code sections 5840(q) and 5860. (Legislative History Ord. No. 07-017.)

6.10.040 Public, Educational, and Governmental Channel Facilities.

A. Any state franchise holder shall remit to the City a fee to support public, educational, and government (“PEG”) channel facilities in the amount of one percent (1%) of the gross revenues of the state franchise holder in compliance with California Public Utilities Code section 5870. All revenue collected pursuant to this fee shall be deposited in a separate fund and shall only be expended for the purpose of supporting PEG channel facilities.

B. Any state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of PEG channels in accordance with California Public Utilities Code section 5870. Any state franchise holder shall have three (3) months from

the date the City requests the PEG channels to designate the capacity. The three (3) month period shall be tolled by any period during which the designation or provision of PEG channel capacity is technically infeasible.

C. All obligations to provide and support PEG channel facilities and institutional networks and to provide cable services to community buildings contained in a local franchise existing on December 31, 2006, shall continue until January 1, 2009.

D. This section shall be enforced, and disputes regarding this section shall be resolved, pursuant to California Public Utilities Code section 5870. (Legislative History Ord. No. 07-017.)

6.10.050 Payment of Fees.

A. Any state franchise holder shall pay all fees required pursuant to sections 6.10.030 and 6.10.040 on a quarterly basis in a manner consistent with California Public Utilities Code section 5860.

B. Any state franchise holder shall deliver to the City by check, or other means agreeable to the City Manager, a separate payment for the franchise fee established in section 6.10.030 and PEG channel facilities fee established in section 6.10.040 not later than forty-five (45) days after the end of each calendar quarter.

C. Each payment of the franchise fee established in section 6.10.030 delivered to the City shall be accompanied by a summary report explaining the basis for the calculation of the payment.

D. If any state franchise holder fails to remit all fees required pursuant to sections 6.10.030 and 6.10.040 when due, the state franchise holder shall remit to the City a late payment charge at the rate per year equal to the highest prime lending rate during the period of delinquency plus one percent (1%). (Legislative History Ord. No. 07-017.)

6.10.060 Customer Service Penalties for State Franchise Holders.

A. Any state franchise holder shall comply with the customer service provisions set forth in California Public Utilities Code section 5900.

B. The City shall impose the following penalties against a state franchise holder for any material breach of the customer service provisions set forth in California Public Utilities Code section 5900:

1. For the first occurrence of a material breach, a fine of five hundred dollars (\$500.00) shall be imposed for each day of each material breach, not to exceed one thousand five hundred dollars (\$1,500.00) for each occurrence of the material breach.
2. For a second occurrence of a material breach of the same nature as the

first material breach that occurs within twelve (12) months, a fine of one thousand dollars (\$1,000.00) shall be imposed for each day of each material breach, not to exceed three thousand dollars (\$3,000.00) for each occurrence of the material breach.

3. For a third or further occurrence of a material breach of the same nature as the previous material breaches that occurs within twelve (12) months, a fine of two thousand five hundred dollars (\$2,500.00) shall be imposed for each day of each material breach, not to exceed seven thousand five hundred dollars (\$7,500.00) for each occurrence of the material breach.

C. The City shall provide the state franchise holder with written notice of any alleged material breach of the customer service provisions set forth in California Public Utilities Code section 5900 and shall allow the state franchise holder at least thirty (30) days from receipt of the notice to remedy the specified material breach.

D. A material breach for the purposes of assessing penalties shall be deemed to have occurred for each day within the jurisdiction of the City, following the expiration of the period specified in section 6.10.060.C, that any material breach has not been remedied by the state franchise holder, irrespective of the number of customers affected. No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the state franchise holder.

E. Pursuant to California Public Utilities Code section 5900, any penalty remitted to the City by a state franchise holder for a material breach of the customer service provisions set forth in California Public Utilities Code section 5900 shall be split in half, and the City shall submit one half of the penalty amount to the Digital Divide Account established by California Public Utilities Code section 280.5. (Legislative History Ord. No. 07-017.)

6.10.070 Appeal Process for Customer Service Penalties.

Any state franchise holder may appeal any customer service penalty assessed pursuant to section 6.10.060 according to the following procedure:

A. The state franchise holder may file a Request for Hearing form with the City Clerk within thirty (30) days from receipt of the written notice specified in section 6.10.060.0 with an advance deposit of the penalty amount.

B. A Request for Hearing form may be obtained from the City Clerk.

C. The state franchise holder requesting the hearing shall be notified by the City Clerk of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.

D. The hearing shall be set by the City Clerk for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the Request for Hearing form is filed with the City Clerk.

E. At the hearing, the City shall bear the burden of proof by a preponderance of the evidence that the material breach occurred as charged. The City may be represented by counsel.

F. At the hearing, the state franchise holder may cross examine any witness against the state franchise holder and may present evidence. The state franchise holder may be represented by counsel.

G. The formal rules of evidence shall not apply at the hearing. The hearing officer may rely upon such evidence as he or she believes reasonable persons would rely upon in the conduct of their affairs. Any witnesses shall testify under oath.

H. After hearing and reviewing all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the penalty and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

I. If the hearing officer determines that the penalty should be canceled, the City shall promptly refund the amount of the deposited penalty, together with interest at the average rate earned on the City's investment portfolio for the period of time that the penalty amount was held by the City.

J. Any interested person may obtain review of the decision of the hearing officer by filing an appeal in a court of competent jurisdiction to California Public Utilities Code section 5900. (Legislative History Ord. No. 07-017.)

6.10.080 Public Rights-of-Way.

The City shall allow any state franchise holder to install, construct, and maintain a network within public rights-of-way pursuant to Dixon City Code, Article I, Chapter 18 ("Streets and Sidewalks") and in a manner consistent with California Public Utilities Code section 5885. (Legislative History Ord. No. 07-017.)

6.10.090 Authority to Examine and Audit Business Records.

A. The City may examine and audit once per year the business records of any state franchise holder relating to gross revenues in a manner consistent with California Public Utilities Code section 5860.

B. All state franchise holders shall keep and maintain all business records reflecting any gross revenues, regardless of change in ownership, for at least four (4) years after those gross revenues are recognized by the state franchise holder on its books and records pursuant to California Public Utilities Code section 5860.

C. If the state franchise holder has underpaid the franchise fee established by section 6.10.030 by more than five percent (5%), the state franchise holder shall pay the reasonable and actual costs of the examination and audit. If the state franchise holder

has not underpaid the franchise fee established in section 6.10.030, the City shall pay the reasonable and actual costs of the examination and audit. If the state franchise holder, however, has underpaid the franchise fee established by section 6.10.030 by five percent (5%) or less, the state franchise holder and the City shall each bear their own costs of the examination and audit. (Legislative History Ord. No. 07-017.)

6.10.100 Environmental Review.

The City shall serve as the lead agency for any environmental review under DIVCA. The City may impose conditions to mitigate environmental impacts of any state franchise holder's use of the public rights-of-way that may be required pursuant to the California Environmental Quality Act, California Public Resources Code sections 21000 et seq. ("CEQA"). (Legislative History Ord. No. 07-017.)

6.10.110 Emergency Alert System.

A. All state franchise holders shall comply with the Emergency Alert System requirements of the Federal Communications Commission in order that emergency messages may be distributed over state franchise holders' networks.

B. All provisions contained in a local franchise existing within the City on December 31, 2006 authorizing the City or the County of Solano to provide local emergency notifications shall remain in effect and shall apply to any state franchise holders until January 1, 2009. (Legislative History Ord. No. 07-017.)

6.10.120 Non-Discriminatory Video Service.

Any state franchise holder is prohibited from discriminating against or denying access to service to any group of potential residential subscribers within in the City because of the income of the residents on the local area in which the group resides. The requirement may be satisfied pursuant to California Public Utilities Code section 5890. The City may bring complaints to the CPUC that a state franchise holder is not offering video services as required by California Public Utilities Code section 5890. (Legislative History Ord. No. 07-017.)

TITLE 7
[Reserved]

TITLE 8
[Reserved]

**TITLE 9
HEALTH AND SAFETY**

Chapter 09.01 Public Nuisances

Sections:

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9.01.010 Short Title.

This Chapter may be cited as “the Nuisance Abatement Ordinance.” (Legislative History Ord. No. 03-011.)

9.01.015 Definitions.

Except as otherwise provided in the other Parts of this Chapter, the following words, terms and phrases used in this Chapter are defined as set forth in this section.

“**Abate**” means, but is not limited to, modifying, repairing, replacing, removing, securing, locking, demolishing, or otherwise remedying the condition in question by such means and to such extent as necessary.

“**Building**” means any structure, (including but not limited to, any house, garage, duplex, apartment, condominium, stock cooperative, mobile home or other residential buildings or associated accessory structures) and any commercial, industrial or other establishment, warehouse, kiosk, sign or other structure affixed to or upon real property used as a dwelling or for the purpose of conducting a business, storage or any other activity.

“**City**” means the City of Dixon.

“**City Council**” means the City Council of the City.

“**Code**” means the both Dixon City Code and the Dixon Municipal Code.

“**Compliance date**” means the date requested for correction of the violation(s) prior to the imposition of any administrative fines or penalties.

“**Day**” means calendar day.

“**Enforcement officer**” means either the Building Official; City Engineer, Community Development Director, Public Works Director, Fire Chief or Police Chief of the City, or their designees, or the Code Compliance Technician when such persons have been delegated in writing the authority to enforce and administer the particular provisions of this Chapter at issue in a particular matter.

“**Garbage**” means putrescible animal, fish, fowl, fruit or vegetable refuse, or any portion thereof, resulting from the growing, preparation, processing, storage, handling,-transporting or consumption of foods.

“Graffiti” means the unauthorized letters, words, symbols, figures and marks placed on buildings and objects on private property, public property or the public right-of-way by using paint or marking with ink, chalk, crayon, dye or other similar substances, or by cutting or scraping with any tool or instrument.

“Habitable” means that a building, premises or property is suitable for occupancy per the standards set forth in the codes referenced in this Chapter and/or those codes utilized by the City in the normal course of government operations.

“Hearing officer” means a hearing officer provided to the City by a non-profit organization or governmental agency with whom the City has contracted to conduct hearings pursuant to this Chapter. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcomes of any hearing.

“Industrial waste” means all liquid or solid waste substances, except sewage, from any production, manufacturing, processing or packaging operation.

“Inoperative” means any vehicle that (1) cannot be immediately started and driven under its own power on the streets and highways, (2) is in an unsafe condition, or (3) is in any other condition specified in the California Vehicle Code which prohibits its placement and/or movement on the public streets or highways. This includes any vehicles, including trailers or vessels, not currently registered for operation on the public streets, highways or waterways.

“Lodging house” means any building or portion thereof containing, not more than five (5) guest rooms where rent is paid in money, goods, labor or otherwise. For the purposes of this Chapter a single-family dwelling unit may contain one (1) or two (2) guest rooms and not be classified as a lodging house; provided, such dwelling meets all of the following criteria: (i) the dwelling contains only one kitchen; (ii) no food preparation appliances, including stoves, ovens, hotplates, refrigerators or sinks, are installed or located in the guest rooms; (iii) doors to guest rooms do not contain dead bolt locks and such doors only open into the interior of the dwelling unit; (iv) the parcel on which the dwelling is located has only one address and one mail box; and (v) all vehicles owned, operated or controlled by occupants of the dwelling and stored for any length of time on or in proximity of the parcel on which the dwelling is located, have space available for and are capable of simultaneously legally parking on the parcel.

“Owner” means any person, his/her heirs, executors, administrators or assigns, agent, firm, partnership or corporation having or claiming any legal or equitable interest in the property in question as listed on the last available equalized tax assessment roll for Solano County.

“Premises” means every house, dwelling, building, structure, enclosure, business establishment, lot, yard, location, place, alley, parkway, right-of-way, sidewalk, street, and every vehicle.

“Property” means all residential, industrial, commercial, agricultural, open space and

other real property, including but not limited to, front yards, side yards, driveways, walkways, alleys and sidewalks, and shall include any building or other structure, whether fixed or moveable, located on such property.

“Putrescible” means a substance that is or is liable to become putrid or rotten.

“Refuse” and **"Rubbish"** means all putrescible and/or non-putrescible solid or liquid wastes, except sewage, whether combustible or noncombustible.

“Responsible Party” means the owner, agent, manager, lessee, tenant or any other person having control or possession of the property.

“Sewage” means effluent or waste matter which is required to be disposed of through or should pass through sewers and the waste water treatment plant and is composed of human or animal feces, urine, toilet paper and any other such waste materials. (Legislative History Ord. No. 03-011.)

9.01.020 Nuisance and Nuisance Conditions Defined.

For the purposes of this Chapter, “nuisance” and/or “nuisance condition” means any condition or use of premises or property which is either: (i) detrimental to the premises or property of others; (ii) which poses an immediate or potential health, safety or fire hazard; or (iii) which violates this Code or other codes adopted by the City. Nuisance includes, but is not limited to, any of the following:

A. Storing, keeping or maintaining weeds, dry or dead vegetation, papers or paper products, and other combustible and noncombustible refuse or waste;

B. Storing, keeping or maintaining: vehicle parts; scrap metal; bottles; cans; wire; firewood; boxes; containers; wood and building materials no longer usable for their intended purpose; tools; machinery; equipment or parts thereof; or abandoned, discarded or unused household furniture or appliances;

C. Storing, keeping or maintaining: rubbish; refuse; trash; junk; garbage; and other waste or discarded material, including but not limited to, the accumulation of asphalt, concrete, plaster, tile, rocks, bricks, crates, cartons, boxes, dirt, sand or gravel;

D. Storing, parking, keeping or maintaining: wrecked, dismantled, inoperative or abandoned vehicles, on private property which are in view from the public streets or neighboring properties. The mere covering of a vehicle with a tarpaulin or other temporary cover or structure does not constitute removal of the vehicle from view. This subsection shall not apply to vehicle storage yards, automobile dismantling yards, wrecking yards or approved vehicle repair facilities when properly zoned for such uses or when such vehicles are actually in the process of being repaired and not being used as a source for parts;

E. The existence of any condition which constitutes a fire hazard as defined in the

Dixon Fire Code, and any condition related to fire protection as defined in the California Health and Safety Code;

F. The existence of any building construction project which is abandoned, partially destroyed or left in a state of partial construction for an unreasonable period of time. A “state of partial construction for an unreasonable period of time” exists if the project has been under construction for more than one (1) year, its appearance from the public street or neighboring properties substantially detracts from the appearance of the immediate neighborhood, and there is no valid and active building permit authorizing the construction work;

G. The existence of any dwelling, dwelling unit or lodging house which has not been used for its legal and intended purpose for a three hundred sixty-five (365) day period. Uses that occur within any three hundred sixty-five (365) day period and are of a duration of less than thirty (30) days shall, for the purpose of this Chapter, not qualify as meeting the use requirements of this section. Time during which the dwelling is either being actively remodeled, or marketed for either sale or rental, shall not be included in determining the period of non-use;

H. The existence of any building having any or all of the conditions or defect hereinafter described:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Dixon Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Dixon Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or

stability, or is not so anchored, attached or fastened in pike so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Dixon Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Dixon Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever, the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration or, decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used or is intended to be used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.
11. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33%) percent or more damage or deterioration of its supporting member or members, or fifty (50%) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become: (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City; as specified in the Dixon Building Code, Dixon Housing Code, or of any law or ordinance of this state or the City relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-

supporting part, member or portion less than fifty (50%) percent, or in any supporting part, member or portion less than sixty-six (66%) percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or a structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Buildings Official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
 16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determine by the Building Official or Fire Chief to be a fire hazard.
 17. The presence of electrical wiring and/or equipment that was installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that has not been maintained in good conditions or that is not being used in a safe manner.
 18. The presence of plumbing piping and/or fixtures that were installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that has not been maintained in good condition or that is not being used in a safe manner.
 19. The presence of mechanical equipment that was installed in violation of code requirements in effect at the time of installation, or not installed in accordance with generally accepted construction practices if no codes were in effect, or that has not been maintained in good condition or that is not being used in a safe manner.
 20. Whenever the horizontal and/or vertical weather protection of a structure, because of obsolescence, dilapidated condition, deterioration, damage, lack of painted surfaces, faulty construction or other cause, allows moisture to enter the structure.
 21. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;
- I. The existence of any building or portion thereof used as a dwelling, dwelling unit,

apartment, guest room or lodging house defined as having any or all of the conditions or defects described in the Dixon Housing Code or any of the following defects:

1. Lack of or nonfunctioning water closet in a dwelling unit or lodging house.
2. Lack of or nonfunctioning kitchen sink, including lack of hot and cold running water to sink in a dwelling unit or lodging house.
3. Lack of or nonfunctioning bathtub or shower in a dwelling unit or lodging house, including lack of hot and cold running water to bathtub or shower.
4. Lack of or nonfunctioning lavatory in a dwelling unit or lodging house, including lack of hot and cold running water to lavatory.
5. Lack of or nonfunctioning heating system in a dwelling unit or lodging house capable of heating all habitable spaces to seventy degrees Fahrenheit at a point three feet above the floor.
6. Lack of improper operation of habitable space ventilation equipment.
7. Lack of minimum amounts of ventilation in a dwelling unit or lodging house in bathrooms and habitable spaces. Minimums shall be those amounts required by the code under which the structure was built or current code if installation or modification occurred without permits or inspections.
8. Lack of minimum amounts of natural light in a dwelling unit or lodging house in habitable spaces. Minimums shall be those amounts required by the code under which the structure was built or current code if installation or modification occurred without permits or inspections.
9. Lack of or nonfunctioning permanent light fixture in a dwelling unit or lodging house in each bathroom, kitchen and hall.
10. Lack of or nonfunctioning of a single electrical receptacle in a dwelling unit or lodging house in each bathroom, laundry room and habitable space.
11. Infestation of insects, vermin or rodents as determined by the health officer or Building Official.
12. General dilapidation or improper maintenance.
13. Lack of functioning connection to required sewage disposal system.

14. Presence of any condition that can be described as a dangerous building.
15. Presence of any plumbing fixture which is cracked, chipped or does not function.
16. Presence of any plumbing drain pipe which leaks, is blocked or does not convey sanitary waste to a required sewage disposal system.
17. Presence of any potable water supply pipe which leaks, is blocked or allows rust to enter the water supply.
18. Lack of or nonfunctioning cooking appliance in a dwelling unit. The meaning of "functioning" shall include, but not be limited to: all burners and heating elements operate correctly at all settings; all knobs and controls are present and operating; and all utility connections are in compliance with current codes.
19. Lack of or nonfunctioning refrigerator in a dwelling unit. The meaning of "functioning" shall include, but not be limited to: doors are gasketed and open, close, and latch properly; unit can maintain a minimum temperature of forty-five (45) degrees Fahrenheit.
20. Presence of a refrigerator or freezer with a door which cannot be opened from the inside.
21. Lack of or nonfunctioning or expired required fire extinguisher.
22. Presence of a mounted and displayed nonfunctioning or expired fire extinguisher in a commercial, industrial, hotel, motel, or apartment building (excluding the interior of individual dwelling units).
23. Lack of or nonfunctioning code required smoke and/or heat detectors.
24. Lack of or the nonfunctioning of at least one smoke detector in a dwelling unit or lodging house located in the hallway leading to the sleeping rooms.
25. Presence of any window in a dwelling unit or lodging house which does not open and close completely when designed to do so, has missing or cracked glazing, has defective or missing security latches, or has missing or nonfunctioning insect screens.
26. Presence of any exterior door in a dwelling unit or lodging house which does not open and close properly, is missing locks or a locking device which does not function to secure the dwelling, or which lacks adequate weather stripping.

27. Lack of or nonfunctioning water heater in a dwelling unit or lodging house. "Nonfunctioning" means: does not heat water to one hundred ten degrees Fahrenheit, lacks or has a nonfunctioning temperature and pressure relief valve, leaks gas or water, or has insufficient combustion air.
28. Presence of floor coverings in a dwelling unit or lodging house with holes, tears, rips, or which is not attached to the floor structure and/or poses a tripping hazard.
29. Presence of interior walls in a dwelling unit or lodging house which have holes in drywall or loose wall materials.
30. Presence of electrical fixtures, switches, or receptacles which are missing cover plates.
31. Presence of mold, mildew, or fungus;

J. The existence of any structure, building, or a portion thereof, which is open or maintained for the use, storage, manufacture, or distribution of "controlled substances" as defined in the California Health and Safety Code;

K. Any vehicle or portion thereof and/or any equipment located on private or public property or in the public right-of-way, or any nonresidential building or structure, being used for living or sleeping purposes except for travel trailers being used on property properly zoned for such use;

L. The existence of any condition dangerous to children or others, including but not limited to unsecured structures; fences or portions of fences in disrepair, leaning and/or partially down; abandoned, broken, unprotected and/or unsecured equipment, machinery or household appliances; unprotected, unfenced and/or unsecured pools, ponds, or excavations;

M. The existence of any condition or use which unlawfully obstructs, injures, or interferes with the free passage or use in the customary manner of property, any public park, street, highway, sidewalk, and any other portion of the public right-of-way;

N. The existence of any body of stagnant water or other liquid in which mosquitoes or other insects may breed, or which may or does generate noxious or offensive gases or odors;

O. The existence of any improperly contained accumulation of manure, human or animal feces, garbage or refuse which may serve as a breeding ground for flies, mosquitoes, rodents or other vermin, or which may or does generate noxious or offensive odors;

P. The existence of sewage, chemical, petroleum, commercial or industrial waste

which has the potential to leak into the groundwater or may or does generate noxious or offensive odors;

Q. The existence of any barbed wired, razor ribbon, glass, nails or other sharp objects on, in, or affixed to any fence or wall, or any electric fences in or adjacent to a residential zoning district or property used for residential uses;

R. The existence of any sign, banner, balloon, flags (other than those of the United States of America and the state of California), inflated advertising device and/or the display of retail or manufactured products on private property or in the public right-of-way, which is not in compliance with this Code;

S. The existence of graffiti on any building, fence, wall, equipment, motor vehicle, trailer, sign or other object on private or public property or in the public right-of-way;

T. The existence of a use, business or activity in any zoning district that does not conform with the requirements of that zoning district in which it is located as set forth in this Code; or which does not conform with any discretionary permit or review approval by the planning commission or City Council; or which does not conform with any law, ordinance or regulations adopted by the City applicable to the property;

U. The existence of smoke, fumes, gas, dust, soot, cinders, or other particulate matter in such quantities as to render the occupancy or use of property uncomfortable to a person or persons;

V. The existence of any condition or use which poses a threat to the public health or safety;

W. Storing, parking, keeping, or maintaining of operative vehicles, boats, vessels, trailers, or camper shells on any portion of a required front yard area other than the driveway or immediately adjacent paved driveway extension;

X. Storing, keeping, or maintaining trash cans, refuse cans, recyclable containers and/or other such containers in the front yard area or other visible yard area at times other than the day of collection or prior to six (6) p.m. of the day prior to the day of collection;

Y. The existence of any building, or a portion thereof, used by members of a criminal street gang for the purpose of the commission of: robbery; unlawful homicide or manslaughter; the sale, possession for sale, transportation, manufacture, offer for sale or offer to manufacture controlled substances; shooting at an inhabited dwelling or occupied motor vehicle; discharging or permitting the discharge of a firearm from a motor vehicle; arson; the intimidation of witnesses and victims; grand theft; burglary; rape; looting; money laundering; kidnapping; mayhem; aggravated mayhem; torture; felony extortion; felony vandalism; car jacking; sale, delivery or transfer of a firearm. As used in this Chapter "criminal street gang" means any ongoing organization, association or group of three or more persons, whether formal or informal having as one of its

primary activities the commission of one or more of the criminal acts enumerated above, having a common name or common identifying sign or symbols, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

Z. Making or emitting any noise uncomfortable to or annoying to a reasonable person;

AA. Maintenance of any tree, shrub, or other vegetation such that it impairs passage along a public sidewalk, impairs the ability of drivers to see any traffic sign, impairs the ability of drivers to see other traffic, or blocks any streetlight;

BB. Maintenance of any sidewalk with a crack or hole of over one inch (1") displacement or otherwise in a condition preventing safe passage of pedestrians, wheelchairs or strollers. (Legislative History Ord. No. 03-011; 09-006; 09-014.)

9.01.030 Nuisance Unlawful.

Every nuisance condition found to exist on any premises is declared to be unlawful. In addition to all other remedies available to the City, whether criminal, civil, at law or in equity, any nuisance may be abated by the enforcement officer, police or fire department personnel, or any other appropriate City staff as designated by the City Manager in the manner provided in this Chapter or in any other manner provided by law. (Legislative History Ord. No. 03-011.)

9.01.040 Property Owner Responsibilities.

It shall be the duty of the owner, and of responsible party occupying or having charge or control of any parcel of land, improved or unimproved, to maintain such parcel of land free of any nuisance and/or nuisance conditions at all times. The same responsibility extends to the public rights-of-way or public land, related to any vehicle, vessel, structure, machinery, container, refuse, debris or other item found to be or having been under the charge or control of a property owner, responsible party, or last registered or documented owner. Any owner or responsible party shall be responsible for the removal or correction of any nuisance or nuisance conditions and the costs for such removal or correction. (Legislative History Ord. No. 03-011.)

9.01.050 Relationship of Parts of Chapter.

The remedies provided in this Chapter are cumulative to each other. The procedure provided in Part 2 of this Chapter may be utilized to abate any nuisance defined herein. However, in the discretion of the enforcement officer, the procedures of Part 4 may be utilized to abate abandoned vehicles and the procedures of Part 5 may be used to abate weeds. In the discretion of the enforcement officer, the administrative citation procedure of Part 6 of this Chapter may be used either in addition to, or in lieu of, the other provisions of this Chapter. (Legislative History Ord. No. 03-011.)

9.01.060 Relationship to Uniform Codes.

The remedies provided in this Chapter are cumulative to those provided by the Dixon Uniform Codes. They are in addition to any remedies or “notice and order” which may be issued under any of the Dixon Uniform Codes (including without limitation by reason of enumeration, the Dixon Housing Code, the Dixon Fire Code, and the Dixon Building Code). (Legislative History Ord. No. 03-011; 09-006.)

9.01.070 Relationship to Remainder of City Code.

The remedies provided in this Chapter are cumulative and in addition to any other remedy provided in this Code, by law, or in equity. (Legislative History Ord. No. 03-011.)

9.01.080 Severability.

If any Part, Section, Subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held to be invalid, ineffective or unconstitutional by the decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter, and any Part, Section, Subsection, sentence, clause, phrase or portion of this Chapter irrespective of the fact that any one or more Parts, Sections, Subsections, sentences, clauses, phrases or portions of this Chapter is judicially determined to be invalid, ineffective or unconstitutional. (Legislative History Ord. No. 03-011.)

Part 2.

9.01.200 Notice to Abate Nuisance Conditions.

A. When the enforcement officer finds that a nuisance condition exists upon any premises in the City, he/she may, or upon the direction of the City Manager shall, serve a notice to abate upon the owner or responsible party in possession or having control of the premises upon which the condition exists, directing him/her to abate or cause the nuisance condition(s) upon the premises to be abated on or before a specified compliance date. The notice shall also contain the date, time and place of an abatement hearing that will be held if the nuisance condition(s) are not corrected by the specified compliance date.

B. The enforcement officer shall post one copy of the notice in a conspicuous place on the property in question and shall deliver one copy of the notice to the owner or responsible party in possession or control of the property upon which the nuisance condition exists either in person or by certified mail, with a return receipt requested.

C. The notice shall be posted and delivered as set forth in subsection B of this Section, at least ten (10) calendar days before the time and date of the hearing scheduled within the notice if personally delivered, or fifteen (15) calendar days if

mailed.

D. The failure of the owner or responsible party to actually receive the notice shall not affect in any manner the validity of any proceedings pursuant to this Part. (Legislative History Ord. No. 03-011.)

9.01.210 Manner of Conducting Abatement Hearing.

A. At the time and place designated in the notice, the hearing officer shall hear and consider all relevant evidence, including but not limited to, applicable staff reports, oral evidence, physical evidence and documentary evidence regarding the alleged nuisance, and proposed method of abatement. The hearing may be continued from time to time.

B. Failure of the owner or responsible party to appear at the hearing after notice has been served shall be deemed a waiver of the right to a hearing and an admission by the owner or responsible party of the existence of the nuisance condition charged. In the event of such failure to appear, the hearing officer may order that the nuisance condition be abated by the enforcement officer. Such failure to appear shall also constitute a failure to exhaust available administrative remedies.

C. The City shall bear the burden of proof to demonstrate, by a preponderance of the evidence, that a nuisance exists and that the proposed mechanism for abatement is appropriate. The City need not demonstrate that the proposed mechanism for abatement is either the most appropriate or least expensive.

D. The hearing shall not be conducted according to the formal rules of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state. However, irrelevant or unduly repetitious evidence may be excluded.

E. A tape recording of the hearing will be made by the hearing officer and provided to the City Clerk who shall keep it for not less than one hundred eighty calendar (180) days from the date of the hearing.

F. All persons present at the hearing shall identify themselves, including their name and address, on the record.

G. All witnesses shall be sworn.

H. Prior to conclusion of the hearing, if the owner or responsible party is present, the hearing officer may request the owner or responsible party to sign a consent to enter and perform work. The permission given shall be used only if the nuisance condition is determined to exist and is not abated by the schedule of correction specified in the hearing officer's decision.

I. If the owner or responsible party does not provide written consent, entry onto the property may be made by obtaining verbal permission from the owner or a responsible party, or by means of an inspection warrant, or by any other lawful manner. (Legislative History Ord. No. 03-011.)

9.01.220 Issuance of Decision Findings and Order.

A. Within ten (10) days after the conclusion of the hearing, the hearing officer shall issue a written decision. The decision shall set forth the factual findings made by the hearing officer, a conclusion as to whether a nuisance condition exists, the manner of abatement, including an order that such nuisance (if one is found to exist) be abated by the City, the amount of administrative costs imposed, if any, and a schedule of correction or the date by which the abatement shall be completed.

B. If the hearing officer determines that a nuisance exists which has not been corrected within the time period specified in the notice to abate nuisance conditions, the hearing officer shall so find in the decision, and may include in the decision any or all of the following:

1. An order to correct, including a schedule of correction where appropriate;
2. An order to pay administrative costs as provided in Section 9.01.250.

C. Failure to issue a decision in ten (10) days shall not affect the validity of such decision.

D. The decision shall be mailed by certified mail with return receipt requested to the owner and shall be mailed, to the enforcement officer. A copy of a summary of the decision and any order it contains shall also be posted on the property by the enforcement officer in a conspicuous location. (Legislative History Ord. No. 03-011.)

9.01.221 Appeal of Decision.

A. Within fifteen (15) days of the date of the Decision by the hearing officer, the owner or responsible party may file a written appeal to the City Council in writing with the City Clerk.

B. The fee for filing an appeal shall be as may be established by resolution of the City Council.

C. Upon receipt of an appeal and filing fee, the City Clerk will issue and mail by certified mail with return receipt, a notice indicating the time and date of the hearing to the responsible party requesting the hearing.

D. The City Council shall consider the appeal based upon the record of the hearing before the hearing officer and the hearing officer's decision, which the Council may affirm, overrule or modify in its discretion: The City Council shall not accept new

evidence, but may permit reasonable written and oral argument.
(Legislative History Ord. No. 03-011.)

9.01.230 Abatement by Enforcement Officer if Nuisance is Not Abated.

Upon receipt of the hearing officer's decision (or following an appeal if an appeal has been taken from the hearing officer's decision) if (i) no schedule of correction has been issued or (ii) upon the failure of the property owner to comply with such schedule if a schedule was included, if the nuisance condition has not been abated the enforcement officer shall forthwith abate, or cause to be abated, the nuisance condition upon the premises. The enforcement officer is authorized to enter upon private property for this purpose, consistent with the provisions of the US. Constitution.

The cost of abatement, in addition to other abatement costs included in the hearing officer's decision, shall become a personal obligation of the property owner and responsible party and a lien and a property tax assessment upon the property, and shall be collected through the Solano County Assessor's Office. (Legislative History Ord. No. 03-011.)

9.01.240 Abatement by Owner/Responsible Party.

A. Any owner or responsible party may, at his/her own expense and prior to the scheduled abatement hearing, abate a declared nuisance condition in accordance with the provisions of the notice sent by the enforcement officer; provided that all necessary permits are first obtained. If the enforcement officer determines that the nuisance condition has been abated prior to the hearing, the hearing proceedings shall be terminated.

B. Any owner or responsible party may request the City to abate a declared nuisance condition on his/her property. However, the owner or responsible party making the request shall be responsible for the payment of all abatement costs incurred by the City. The request for the City to perform the abatement shall be in writing and include a written consent to enter and perform work. Any such request shall be deemed an agreement to pay for the costs of such abatement and an agreement that such costs may be collected as a lien upon the property. The abatement hearing proceedings shall thereafter be terminated. (Legislative History Ord. No. 03-011.)

9.01.250 Liability for Administrative Costs.

A. In addition to liability for the costs of abatement itself pursuant to Section 9.01.230, the owner and/or responsible party shall also be liable for any expenses and administrative costs incurred by the City, county or any related agency incurred subsequent to the initial inspection and identification of the nuisance.

B. The hearing officer shall in his/her decision assess administrative costs against the violator when he or she finds that a nuisance exists and that abatement has not been achieved within the time specified in the enforcement officer's notice to abate

nuisance conditions.

C. The administrative costs may include any and all costs incurred by the City in connection with the matter before the hearing officer, including but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all re-inspections necessary to enforce the notice to abate nuisance conditions.

D. Administrative costs assessed by a hearing officer are a debt owed to the City and, in addition to all other means of enforcement, if the violation is located on real property, may be enforced by means of a lien against the real property on which the violation occurred. (Legislative History Ord. No. 03-011.)

9.01.260 Report of Abatement Costs.

A. In the event a nuisance is abated by the enforcement officer (either utilizing City forces or by contracting with a third person), the enforcement officer shall keep an itemized list of costs including but not limited to, hearing costs, re-inspection fees, posting of notices, and costs for equipment, material, City staff time and contractors costs incurred by the City from the time of initial inspection and identification of the nuisance condition until completion of the abatement by the City or by the owner or responsible party. Once the abatement is completed, the enforcement officer shall provide a report of the total abatement costs to the Finance Department. The total abatement costs shall include those costs ordered to be paid by the hearing officer but remaining unpaid.

B. The Finance Department shall mail to the owner or responsible party an itemized invoice indicating the total abatement costs due.

C. The owner or responsible party for the property shall pay the abatement costs within thirty (30) calendar days from the date on the invoice unless an extension of time in which to pay has been granted by the City Manager in writing. (Legislative History Ord. No. 03-011.)

9.01.270 Appeal of Abatement Costs.

A. Within fifteen (15) days of the date of the statement of abatement costs or invoice the owner or responsible party may file a request in writing with the City Clerk for a hearing before a hearing officer to contest the statement of abatement costs. If the request for a hearing is not timely received within the fifteen (15) days, the right to a hearing shall be deemed waived.

B. The fee, for filing a notice to appeal a statement of abatement costs before the hearing officer shall be as established by resolution of the City Council.

C. Upon receipt of the completed notice, to appeal and filing fee, the City Clerk will issue and mail by certified mail with return receipt, a notice indicating the time and date

of the hearing to the responsible party requesting the hearing. (Legislative History Ord. No. 03-011.)

9.01.280 Manner of Conducting the Appeal Hearing of Abatement Costs Before the Hearing Officer.

A. The hearing officer shall review the statement of costs and receive all relevant information and testimony presented by the owner, responsible party, any other witnesses, and the enforcement officer or City staff.

1. The reasonableness of the abatement activity undertaken by the City or its contractors to abate or correct the nuisance condition shall not be within the subject matter jurisdiction of the hearing officer at this hearing.
2. City business records evidencing the amounts actually paid to third party vendors, contractors or laborers shall be deemed conclusive evidence of both the reasonableness of those charges and the City's payment thereof.
3. The hearing officer shall take administrative notice of the hourly, daily or per task rates of City employees as established by the City Council by resolution. The resolution shall be deemed conclusive evidence of the existence and reasonableness of the rates set forth therein.
4. The hearing officer shall not rehear costs previously ordered to be paid by him or her at the abatement hearing.

B. The hearing officer may make any necessary revisions, corrections or modifications to costs.

C. A tape recording of the hearing will be made by the hearing officer and provided to the City Clerk who shall keep it for not less than one hundred eighty (180) calendar days from the date of the hearing. (Legislative History Ord. No. 03-011.)

9.01.290 Hearing Officer's Decision of Appeal Hearing of Abatement Costs.

A. The hearing officer's decision regarding abatement costs shall be in writing and mailed to the owner or responsible party by certified mail with return receipt, or personally delivered, within ten (10) days from the date of the hearing. A copy shall be sent to the enforcement officer and the Finance Director. If the hearing officer orders payment of abatement costs, the decisions shall include an order that such costs be paid within thirty (30) calendar days to the Finance Director.

B. The failure to issue the hearing officer's decision within ten (10) days shall not affect the validity of such decisions.

C. The hearing officer's decision after the hearing shall be final, except to the extent that a protest is granted by the City Council pursuant to Section 9.01.291. (Legislative

History Ord. No. 03-011.)

9.01.291 Assessment of Abatement Costs.

A. Abatement costs are a civil debt owed to the City and, in addition to all other means of enforcement, may be enforced by means of a lien against the real property.

B. If payment of the abatement costs is not received by the Finance Department within thirty (30) calendar days of the date appearing on the invoice, the Finance Director shall notify the enforcement officer and the City Clerk. A hearing before the City Council for the purpose of adopting a resolution confirming and assessing the statement of costs shall be set by the City Clerk. Such hearing shall be for the sole purpose of the City Council assessing the unpaid costs as a lien and/or special assessment against the parcel or real property which was the subject of the nuisance abatement. The council shall not rehear matters relating to whether or not a nuisance existed or it was appropriate to abate such a nuisance.

C. The enforcement officer shall file with the City Council a report:

1. Identifying the property from which the nuisance conditions were abated and the nuisance which was abated;
2. Describing the abatement work which was accomplished;
3. Listing the costs of abatement incurred by the City (and approved by the hearing officer if an appeal hearing was held pursuant to Section 9.01.290); and
4. Setting forth all administrative costs and penalties imposed, if any.

D. A notice shall be delivered to the owner or responsible party in possession or control of the property upon which the nuisance exists or existed either in person or by certified mail with a return receipt, specifying the time and place when the City Council will hear and pass upon the report of the abatement costs, together with any objections or protests, if any, which may be raised by the owner or responsible party liable to be assessed for the abatement costs and any other interested person.

E. The City Council, by resolution, may declare the costs of abatement as a special assessment against the parcel or property upon which the nuisance condition was abated. The costs so assessed, if not paid within five (5) calendar days after confirmation by the City Council, shall become a lien on the property for the amount thereof from the time of recordation of the notice of lien and shall continue until the assessment is paid in full or until it is discharged of record. The failure of the City Council to declare the costs of abatement as a special assessment shall not relieve the property owner of the obligation to pay such costs as a civil debt unless the City Council shall expressly so provide.

F. After adoption of the resolution by the City Council, the City Clerk shall forward to the office of the Solano County Assessor one certified true copy of the resolution of the City Council confirming the statement of costs with the statement of costs attached thereto as an exhibit. The City Clerk also shall file in the office of the Solano County Assessor a notice of lien certificate acceptable to the Solano County Assessor. (Legislative History Ord. No. 03-011.)

9.01.292 Manner of Collection of Notice of Lien.

From and after the date of the recording of the notice of a lien, all persons shall be deemed to have had notice of the contents thereof the notice of lien shall be delivered to the Solano County Assessor, who shall enter the amount thereof on the county assessment records for the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Solano County Assessor before the date fixed by law, for the delivery of the assessment roll to the County Board of Equalization. Thereafter, the amount of the lien shall be collected at the same time and in the same manner as ordinary property taxes are collected, and shall be subject to the same penalties, and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to the levy; collection and enforcement of property taxes are made applicable to the special assessment taxes. (Legislative History Ord. No. 03-011)

Part 3.

9.01.300 Summary Abatement.

A. Any nuisance which the Building Official, or Fire Chief, determines is immediately or potentially dangerous to the life, health or safety of the occupants of the property or to the public, may be summarily abated in accordance with the procedures set forth in this Part.

B. Actions taken to abate immediately or potentially dangerous nuisances may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the condition exists or any other abatement action determined by the Building Official or Fire Chief to be necessary. Where a residential rental property is involved, this may require the moving and relocation of the occupants by the owner and/or responsible party to other habitable temporary or permanent accommodations. Any temporary accommodations will be maintained by the owner and/or responsible party until the corrections are done to the vacated residential property so that it is habitable and the occupants are returned.

C. When summary abatement is deemed necessary by Building Official or Fire Chief, it may be ordered only if the abatement order is confirmed by the City Manager.

D. Notice of the summary abatement shall be provided to the owner or responsible

party as provided for in this Chapter the same day or as soon as practical.

E. The costs and expenses for summary abatement, if not paid by the property owner within thirty (30) days of the date of the invoice, shall be made a lien on the property by the City Council and shall be collected pursuant to the procedures set forth in Part 2 of this Chapter for the assessment and collection of liens. (Legislative History Ord. No. 03-011.)

Part 4.

9.01.400 Declaration of Nuisance — Definitions.

In addition to and in accordance with the authority granted by California Vehicle Code Section 22660, the City Council makes the following findings and declarations with respect to the removal of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances:

A. The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property within the City, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property within the City, not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Part.

B. As used in this Part:

“Appraiser” means a person designated as having the authority to make appraisals of the value of vehicles pursuant to California Vehicle Code Section 22855 and includes such employees of the City designated by the City Council to perform this function. The Fire Chief and the enforcement officer are designated by the City Council as appraisers pursuant to California Vehicle Code Section 22855.

“Highway” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes, of vehicular travel. “Highway” includes street.

“Inoperative” shall have the meaning provided in Part 1 of this Chapter.

“Owner of the land” means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll of Solano County.

“Owner of the vehicle” means the last registered owner and legal owner of record.

“Public property” does not include “highway.”

“Sworn statement” shall be one made and executed by the declarant under penalty of perjury of the laws of the State of California.

“Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (Legislative History Ord. No. 03-011.)

9.01.410 Application of Part.

This Part shall not apply to:

- A. A vehicle, or parts thereof, which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- B. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this Section shall authorize the maintenance of a public, or private nuisance as defined under provisions of law other than Chapter 10 (commencing with section 22650) of Division 11 of the Vehicle Code and this Part. (Legislative History Ord. No. 03-011.)

9.01.420 Enforcement.

Except as otherwise provided in this Part, the provisions of this Part shall be enforced by the Fire Chief and the enforcement officer. No officer, employee or agent of the City shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this Part. (Legislative History Ord. No. 03-011.)

9.01.430 Alternative Means of Enforcement.

This Part is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It supplements and is in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the City, the state, or any other legal entity or agency having jurisdiction. Nothing in this Part shall be deemed to prevent the City Council from authorizing the City Attorney to commence any other available civil or criminal proceeding to abate a public nuisance under applicable provisions of state law as an alternative to proceedings set forth in this Part. (Legislative History Ord. No. 03-011.)

9.01.440 Right of Entry.

The Fire Chief, the enforcement officer, or, any person or persons with whom the City

Council has contracted to provide such services shall be authorized to enter upon private property or public property to enforce the provisions of this Part. (Legislative History Ord. No. 03-011.)

9.01.450 Administrative Costs Assessment.

The City Council shall from time to time determine and fix an amount to be assessed as administrative costs excluding the actual cost of removal of any vehicle or parts thereof under this Part. (Legislative History Ord. No. 03-011.)

9.01.460 Abatement and Removal Authority.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the enforcement officer shall have the authority to serve abatement notices and the Fire Chief will cause the abatement and removal thereof in accordance with the procedures prescribed in this Part. (Legislative History Ord. No. 03-011.)

9.01.470 Abatement Notice.

A. The following abatement notice is required prior to removal of any vehicle or parts thereof as provided in this Part:

1. A ten day notice of intention to abate and remove the vehicle (the “notice to abate”), or parts thereof, as a public nuisance shall be mailed by certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.
2. The notice to abate Shall sent to the owner of the land shall be substantially in the following form:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED,
WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE,
OR PARTS THEREOF, AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last, equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Section 9.01.470 of the Dixon Municipal Code, has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to license number, which constitutes a public nuisance pursuant to the provision of Section 9.01.400 of the Dixon Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice, and upon your failure to do so, the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said Vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing. If such a request is not received by the City Clerk within such ten (10) day period, the Fire Chief or, his/her designee shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn, written statement within such ten (10) day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

You are hereby notified that unless it is determined by a hearing officer at a hearing that the vehicle was placed on your land without your consent and that you have not subsequently acquiesced to its presence on your land, you may be assessed by the City for both the City's administrative costs and its costs of removal of the vehicle and that assessment will be collected as a tax lien against your land as provided in Section 38713.5 of the California Government Code.

cc: City Clerk

3. The notice to abate sent to the owner of the vehicle shall in be substantially in the following form:

NOTICE OF INTENTION TO ABATE AND REMOVE AN
ABANDONED,
WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE,
OR PARTS THEREOF, AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle--make, model, license, etc.), you are hereby notified that the undersigned pursuant to Section 9.01.470 of the Dixon Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Section 9.01.400 of the Dixon Municipal Code.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice of intention. Alternatively you may within 10 days from the date of mailing of this notice request a public hearing. If such a request is not received by the City Clerk within such ten (10) day period and the vehicle is not abated, then the Fire Chief or his/her designee shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing. The City's costs of abatement may be charged to you.

Notice Mailed: _____

cc: City Clerk

- B. The notice to abate is not required in the following circumstances:
1. A vehicle or part thereof is inoperable due to the absence of a motor, transmission or wheels and each of the following conditions are found to exist by the enforcement officer:
 - a. The vehicle or part thereof is incapable of being towed,
 - b. The vehicle is located upon a parcel that is (i) zoned for agricultural use or (ii) not improved with a residential structure contained one or more dwelling units.
 - c. The vehicle or part thereof is valued at less than \$200.00 by an appraiser as defined in this Part.
 - d. The vehicle or part thereof is determined by the enforcement officer to be a public nuisance presenting an immediate threat to public health or safety, and

- e. The property owner has signed release authorizing removal and waiving further interest in the vehicle or part thereof; or
- 2. The property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. (Legislative History Ord. No. 03-011.)

9.01.480 Appeal – Hearing.

A. The owner of the vehicle and the owner of the land on which, the vehicle is located, or both, shall have the right to request a hearing before a hearing officer, if such a request is submitted to the City Clerk in writing within ten (10) days after the mailing of the notices of intention to abate and remove, with respect to the question of abatement and removal of the vehicle, or parts thereof, as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof, against the property on which it is located. The party making the request shall provide the City Clerk with the address to which notice of the hearing and the decision of the hearing officer, if rendered in writing, may be mailed and if not the notice of the hearing and the decision.

B. If the owner of the land submits a sworn, written statement denying responsibility for the presence of the vehicle on his/her land within such ten-day period, said statement shall be construed as a request for a hearing which does not require his or her presence.

C. Notice of the hearing shall be mailed, by certified mail, at least ten (10) days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If no request for hearing or sworn written statement denying responsibility for the presence of the vehicle on the owner's land is received by the City Clerk within the ten (10) days after mailing of the notice of intention to abate and remove, the City shall have the authority to abate and remove the vehicle, or parts thereof, as a public nuisance without holding any hearings. (Legislative History Ord. No. 03-011.)

9.01.490 Hearing — Procedure.

A. All hearings under this Part shall be held before a hearing officer who shall hear all facts and testimony as he/she deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on private or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his/her reasons for such denial.

B. The hearing officer may impose such conditions and take such other actions as

he/she deems appropriate under the circumstances to carry out the purpose of this Part. The hearing officer may delay the time for removal of the vehicle or parts thereof if, in his or her opinion, the circumstances justify such delay. At the conclusion of the public hearing, the hearing officer may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and dispose of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. Any costs required to be paid for the removal and disposition of any vehicle determined to be abandoned (other than the City's administrative costs) shall not exceed those for towing and seven (7) days of storage at the facility to which vehicles removed from highways by the Police Department are removed and stored. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

C. If it is determined, at the hearing by the hearing officer that the vehicle was placed on the land without the consent of the owner of the land and that he or she has not subsequently acquiesced in its presence on said land, the hearing officer shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

D. The decision of the hearing officer may be announced at the conclusion of the hearing or may be rendered in writing by the hearing officer following the date of the hearing. If rendered in writing following the date of the hearing, it shall be delivered to the City Clerk who shall then mail copies of it to the appellant or appellants.

E. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land but does not appear, or if an interested party makes a written presentation to the hearing officer but does not appear, he or she shall be notified in writing by the City Clerk of the decision of the hearing officer.

F. The owner of the land or the owner of the vehicle, or both, may appeal the decision of the hearing officer to the City Council within ten (10) days of the date when the hearing officer renders his or her decision if rendered at the hearing or ten (10) days following the date when the notice of the decisions is mailed to the appellant by the City Clerk if the decision is rendered following the hearing. The appeal if timely filed, shall be heard by the City Council which may affirm, amend or reverse the decision of the hearing officer. Notice of the City Council's decision shall be mailed to the appellant by the City Clerk if the appellant is not present at the appeal hearing. The City Council may establish by resolution a fee for filing such appeals. (Legislative History Ord. No. 03-011.)

9.01.491 Removal — Authority.

A. Not sooner than ten (10) days after determination by the hearing officer that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on

private or public property and is a public nuisance, or ten (10) days from the date of mailing notice of such decision by either the hearing officer or by the City Council (when written notice is required by Section 9.01.470), the vehicle or parts thereof may be disposed of by the Fire Chief by removal to a scrap yard or automobile dismantler's yard.

B. After a vehicle has been removed it shall not thereafter be reconstructed or made operable unless, pursuant to California Vehicle Code Section 5004: (1) The vehicle qualifies for horseless carriage license plates or; (2) The vehicle qualified for historical vehicle license plates. In either such case, the vehicle may be reconstructed or made operable. (Legislative History Ord. No. 03-011.)

9.01.492 Removal — Notice to Owners and Department of Motor Vehicles.

Prior to final disposition of such a vehicle, or parts thereof, which has been removed from lands under the provisions of Section 9.01.470B without the giving of a notice to abate, the enforcement officer shall provide notice to the owner of the vehicle of the intent of the City to dispose of the vehicle, or parts thereof, and if the vehicle, or part(s) are not claimed and removed from the location specified in the notice, where the vehicle or parts thereof are being held, within twelve (12) days after the notice is mailed, final disposition may proceed.

Whenever notification, as required by Section 22852 of the California Vehicle Code, cannot be made to the owner of the vehicle, notification shall be given by the enforcement officer to the California Department of Justice, Stolen Vehicle System, in accordance with the provisions of Section 22853 of the California Vehicle Code.

Furthermore, within five (5) days after the date of removal of any vehicle or parts thereof under this Part, notice shall be given by the enforcement officer to the Department of Motor Vehicles identifying the vehicle or parts thereof removed and any evidence of registration available, including registration certificates, certificates of title or license plates. (Legislative History Ord. No. 03-011.)

9.01.493 Disposition of Abandoned Vehicle.

Vehicles removed pursuant to this Part shall be disposed of by the Fire Chief in accordance with the provisions set forth in California Vehicle Code Sections 22850 through 22856. (Legislative History Ord. No. 03-011.)

9.01.494 Administrative Costs and Removal Costs Assessment — Delinquent Action.

If the administrative costs and the cost of removal which are charged against the owner of the parcel of land pursuant to Section 9.01.450, 9.01.480 and 9.01.490 are not paid within thirty (30) days of the date of the order, or the final disposition of an appeal there from, such costs shall be assessed by the City Council against the parcel of land in the manner provided for in Section 38773.5 of the Government Code and shall be

transmitted by the Finance Director to the Solano County Tax collector for collection. Notice of such assessment shall be given by the City Clerk as required by said Section 38773.5 of the Government Code. The assessment shall have the same priority as other City taxes and shall be subject to the conditions set forth in said Section 38773.5. Any costs required to be paid for the removal and disposition of any vehicle determined to be abandoned (other than the City's administrative costs) shall not exceed those for towing and seven (7) days of storage at the facility to which vehicles removed from highways by the Police Department are removed and stored. (Legislative History Ord. No. 03-011.)

9.01.495 Unlawful.

It is unlawful and an infraction for any person to abandon, park, store or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private or public property not including highways within the City for a period in excess of ten (10) days unless the vehicle or parts thereof is completely enclosed in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licenses dismantler, licensed vehicle dealer or a junkyard. Any person convicted of a violation of this Section shall be punished by a fine of not less than \$100, in addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this Part. (Legislative History Ord. No. 03-011.)

9.01.496 Removal Compliance Required.

It is unlawful and an infraction for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse such nuisance when ordered to do so in accordance with the abatement provisions of this Part or state law where such state law is applicable. Any person convicted of a violation of this Section shall be punished by a fine of not less than \$100, in addition to any costs of removal and disposition of the vehicle that may be assessed pursuant to this Part. (Legislative History Ord. No. 03-011.)

Part 5.

9.01.500 Public Nuisance.

All weeds or other rank growths located upon private property located within the City, or upon sidewalks and streets abutting private property within the City, which constitute a fire menace or which are otherwise a menace to health or safety, are a public nuisance and may be abated as provided in this Chapter. (Legislative History Ord. No. 03-011.)

9.01.510 Procedure.

The procedure for abatement, including without limitation the definitions, provisions for

notice, hearings, appeals, abatement by City forces or contract, the recovery of costs, and the imposition of liens, found in Article 2 of Chapter 13 of Part 2 of Title 4 of the California Government Code (commencing with Section 39560) is hereby adopted by reference. The procedure established by this Part shall be an alternative to and cumulative to any other remedy available at law or equity for the abatement of the nuisances defined by law. (Legislative History Ord. No. 03-011.)

9.01.520 Definitions.

Certain words and phrases are defined in this Section to clarify their use in this Part. Where a definition is not given or where a question of interpretation arises, the definition found in Article 2 of Chapter 13 of Part 2 of Title 4 of the California Government Code (commencing with Section 39560) shall control. Or, if not defined in said Article, then the definition found in Part 1 of this Chapter shall control. Or if not defined in Part 1, then the normal meaning of the word within the context of its use shall control.

“Superintendent” means the Fire Chief of the City or his or her authorized representatives, including without limitation, the Code Compliance Technician of the City.

“Weeds” means all grass, weeds, plants or brush growing upon the streets, sidewalks or private property in the City and includes any of the following:

1. Weeds which bear seeds of a downy or wingy nature;
2. Mistletoe or other parasite growth;
3. Sandburrs or puncture vines;
4. Sagebrush, chaparral and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to-adjacent improved property;
5. Weeds which are otherwise noxious or dangerous;
6. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health procedure established by this Part shall be an alternative to and cumulative to any other remedy available at law or equity for the abatement of the nuisances defined by law.
7. Dry grass, stubble, brush, litter or other flammable material that endangers the public safety by creating a fire hazard.

(Legislative History Ord. No. 03-011.)

9.01.530 Duty of Owners of Private Property.

A. It is the duty of every owner of private property within the City to keep their property clear of, and to remove and destroy all weeds, rubble, rubbish or other rank growths located on their property. Weeds growing upon any lot or tract of land which appears on the assessment roll as a single parcel and exceeds twenty (20) acres in size may be abated by the removal of such weeds from a thirty-foot (30') area around the entire perimeter of the parcel and around all structures situated thereon. In all other cases, weeds must be removed from the entire parcel.

B. It is the duty of every owner of private property within the City to keep their property clear of, and to remove all weeds, rubble, rubbish or other obstructions from the sidewalks and the half of the streets abutting their property. (Legislative History Ord. No. 03-011.)

9.01.540 Standards.

In removing or destroying weeds, rubble or rubbish in accordance with this Part owners shall comply with such standards as may be established by the City Council by resolution. (Legislative History Ord. No. 03-011.)

9.01.550 Violation.

The violation of any of the provision of this Part is unlawful and an infraction. Each day conditions or action in violation of any provision of this Part continue is deemed a separate and distinct offense. (Legislative History Ord. No. 03-011.)

Part 6.

9.01.600 Title of Part and Authority.

This Part shall be known as the "Administrative Citations Ordinance". It is adopted pursuant to Government Code Section 53069.4 authorizing local agencies, by ordinance, to make violation of any ordinance of the agency subject to administrative fine or penalty. (Legislative History Ord. No. 03-011.)

9.01.610 Applicability.

Administrative citations shall be in addition to all other remedies, whether criminal, civil or equitable, which may be pursued by the City to address any violation of this Code. (Legislative History Ord. No. 03-011.)

9.01.612 Entry and Inspection.

A. An enforcement officer may enter and inspect any property or premises at all times to perform any duty imposed upon him or her by this Part whenever the enforcement officer has cause to believe a violation of this Code is occurring, provided

that:

1. The enforcement officer shall present proper credentials, state the reason for entry and request entry from the owner or occupant.
2. If entry is denied, the enforcement officer may seek a court ordered inspection warrant if cause exists pursuant to the Code of Civil Procedure Sections 1822.50 et seq.
3. If entry is denied, the Enforcement Officer shall have recourse to every remedy provided by law to secure entry.
4. The enforcement officer shall make a reasonable effort to locate the owner of unoccupied property or premises, inform the owner of the reasons for entry and request entry.
5. The Enforcement Officer shall not enter any property or premises in the absence of permission to enter, unless an inspection warrant has been issued by a court of competent jurisdiction.

(Legislative History Ord. No. 03-011; 08-012.)

9.01.613 First Offense Warning.

A. Whenever an enforcement officer determines that a violation of any section of this Code has occurred, the enforcement officer may issue a First Offense Warning to any person responsible for the violation. The First Offense Warning shall be served as a prerequisite to the issuance of a first administrative citation and serves as a written warning of responsibility. The First Offense Warning requires immediate action by the person responsible for the violation to correct the violation.

B. The First Offense Warning shall include the following:

1. The Code section(s) violated.
2. How the violation can be corrected.
3. A date by which the violation can reasonably be corrected, after which an administrative citation may be issued if the violation is not fully corrected.

C. In accordance with Government Code Section 53069.4, no person will be assessed a fine under this Part for a continuing violation pertaining to a building, plumbing, electrical or similar structural or zoning issues that does not create an immediate danger to the public health or safety without first receiving a First Offense Warning and a reasonable opportunity to correct or otherwise remedy the violation. In such circumstances, the stated period available to correct the violation prior to the issuance of an administrative citation must be appropriate to the violation as determined

by the enforcement officer, but in no event less than seven (7) days. If, after expiration of the correction period stated in the First Offense Warning, the violation is not corrected, the enforcement officer may issue an administrative citation.

D. Any person receiving a First Offense Warning for a continuing violation may file a written petition with the City Clerk for consideration by the City Manager for an extension of time to correct the violation, provided that the written petition is received before the end of the correction period set forth in the First Offense Warning. The City Manager may grant an extension of time to correct the violation if the person requesting the extension of time has supplied sufficient evidence showing that the correction cannot reasonably be made within the correction period set forth in the First Offense Warning.

E. The requirement of a reasonable opportunity to correct a violation does not apply in instances where, in the discretion of the City Manager, a violation poses an immediate danger to the public health or safety. (Legislative History Ord. No. 03-011; 08-012)

9.01.620 Administrative Citation.

A. Whenever an enforcement officer charged with the enforcement of a provision of this Code (including those uniform codes adopted herein by reference) determines that a violation of that provision has occurred, the enforcement officer shall have the authority to issue an administrative citation to the person or entity responsible for the violation.

B. Each administrative citation shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The code section violated and a description of the violation;
4. The amount of the fine for the code violation;
5. A description of the fine payment process, including a description of the time within which and the place to which the fine must be paid;
6. An order prohibiting the continuation or repeated occurrence of the ordinance violation described in the administrative citation;
7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a Request for Hearing form may be obtained;

8. The name and signature of the citing enforcement officer and the date the administrative citation is issued;
9. A description of the deposit waiver process, including the time within which a Request For Deposit Waiver may be made and the place from which the Request for Hearing form may be obtained.

(Legislative History Ord. No. 03-011.)

9.01.630 Amount of Fines.

- A. The amounts of the fines for each code violation shall be as set forth in a Schedule of Fines established by resolution of the City Council.
- B. The Schedule of Fines may specify any increased fines for repeat violations of the same code provision by the same person within thirty-six (36) months from the date of a prior administrative citation.
- C. The Schedule of Fines shall specify the amount of any late payment charge imposed for the payment of a fine after its due date. (Legislative History Ord. No. 03-011.)

9.01.640 Payment of the Fine.

- A. The fine shall be paid to the City of Dixon within thirty (30) days from the date of the administrative citation.
- B. Any administrative citation fine paid pursuant to Subsection A shall be refunded in accordance with Section 9.01.680D if it is determined, after a hearing, that the person charged in the administrative citation either was not responsible for the violation or that there was no violation as charged in the administrative Citation. (Legislative History Ord. No. 03-011.)

9.01.650 Hearing Request.

- A. Any recipient of an administrative citation may contest either or both that there was a violation as stated in the administrative citation, or that he or she is the responsible party by completing a Request for Hearing form and returning it to the City Clerk within thirty (30) days from the date of the administrative citation, together with either an advance deposit of the fine or an approved Request for a Deposit waiver.
- B. A Request for Hearing form may be obtained from the City Clerk.
- C. The person requesting the hearing shall be notified by the City Clerk of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- D. If the enforcement officer submits an additional written report concerning the

administrative citation to the hearing officer, for consideration at the hearing, then a copy of, this report also shall be served on the person requesting the hearing, at least five (5) days prior to the date of the hearing. (Legislative History Ord. No. 03-011.)

9.01.660 Deposit Waiver.

A. Any person who requests a hearing who is financially unable to make, the advance deposit of the fine as required in Section 9.01:650A may file a Request for Deposit Waiver.

B. The request shall be filed with the Finance Director within ten (10) days of the date of the administrative citation on a deposit waiver application form available from the City Clerk. The Finance Director shall either issue or decline to issue the Deposit Waiver within five (5) days.

C. The Finance Director shall issue the Deposit Waiver if the cited party submits to the Finance Director a sworn affidavit, or declaration under penalty of perjury, together with any supporting documents or materials, demonstrating to the satisfaction of the Finance Director the person's actual financial inability to deposit with the City of Dixon the full amount of the fine in advance of the hearing.

D. The Finance Director shall issue a written determination listing the reasons for his or her determination to issue or not issue the deposit waiver. The written determination of the Finance Director shall be final, and shall be served upon the person who applied for the deposit waiver the enforcement officer and the City Clerk. (Legislative History Ord. No. 03-011.)

9.01.670 Hearing Procedure.

A. No hearing to contest an administrative citation shall be held unless the fine has been deposited in advance in accordance with Section 9.01.650A or a deposit waiver has been issued in accordance with Section 9.01.660.

B. The hearing shall be set by the City Clerk for a date that is not less than fifteen (15) days and not more than sixty (60) days from the date that the Request for Hearing is filed in accordance with the provisions of this Chapter.

C. The hearing officer may continue the hearing and request additional information from the enforcement officer or the recipient of the administrative citation prior to issuing a written decision. The hearing officer shall ensure an adequate record of the hearing is made.

D. The City shall bear the burden of proof, by a preponderance of the evidence, that the violation occurred as charged and that the person to whom an administrative citation was issued is responsible for the violation. The City may be represented by the enforcement officer or be represented by counsel.

E. The recipient of the administrative citation may cross examine the enforcement officer or any other witness against him or her, and may present such evidence as he or she may have the recipient of the administrative citation may be represented by counsel.

F. The formal rules of evidence shall not apply. The hearing officer may rely upon such evidence as he or she believes reasonable persons would rely upon in the conduct of their affairs. Any witnesses, including the enforcement officer and the recipient of the administrative citation, shall testify under oath.

G. The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained on those documents. (Legislative History Ord. No. 03-011.)

9.01.680 Hearing Officer's Decision.

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall list in the decision the reasons for that decision. The decision of the hearing officer shall be final.

B. If the hearing officer determines that the administrative citations should be upheld, then the fine amount on deposit with the City shall be retained by the City.

C. If the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the hearing officer shall set forth in the decision a payment schedule for the fine.

D. If the hearing officer determines that the administrative citation should be canceled or reduced and the fine was deposited with the City, then the City shall promptly refund the amount of the deposited fine or excess; as the case may be together with interest at the average rate earned on the City's investment portfolio for the period of time that the fine amount was held by the City.

E. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision. (Legislative History Ord. No. 03-011.)

9.01.690 Late Payment Penalties and Interest.

Any person who fails to pay any fine imposed pursuant to the provision's of this Part on or before the date that fine is due, also, shall be liable for the payment of a late payment penalty in the amount of ten (10%) percent of the fine. Thereafter, the amount of the fine, and the penalty, shall accrue interest at ten (10%) percent per annum until paid. (Legislative History Ord. No. 03-011.)

9.01.691 Recovery of Administrative Citation Fines and Costs.

The city may collect any past due administrative citation fine or late payment penalty

and interest by use of all available legal means. Without limiting the generality of the foregoing, all such fines or late payments shall constitute civil debts and may be recovered in an action at law, or, where the violation relates to or occurred upon real property owned by the person to whom an administrative citation was issued, a lien may be filed by the City against such real property. (Legislative History Ord. No. 03-011.)

9.01.692 Right to Judicial Review.

A. The failure of the party contesting the administrative citation to appear at the administrative citation hearing shall result in a forfeiture of the fine and shall constitute a failure to exhaust administrative remedies.

B. Subject to the provisions of Subsection A any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing an appeal in a court of competent jurisdiction within twenty (20) days after service of the decision in accordance with the provisions of California Government Code Section 53069.4(b)(2). (Legislative History Ord. No. 03-011.)

9.01.693 Notices.

A. The administrative citation and all notices required to be given by this Part shall be served on the responsible party as follows:

1. The citation and any notices may be served upon the responsible party in person by either the enforcement officer, the City Clerk or any police officer of the City of Dixon.
2. The citation and notices may be served by depositing same in the United States Postal Service Mail, first class mail, postage prepaid, at Dixon, California, and addressed to party to be cited at the address of that party known to the enforcement officer or the City Clerk; or, if that address is not known, as that address appears on the last equalized assessment roll of Solano county if the Party to be served with the citation or notice is the owner of real property within the City and that real property is the situs of the ordinance violation charged in the citation.

B. Failure to receive any notice in this part does not affect the validity of proceedings conducted hereunder. (Legislative History Ord. No. 03-011.)

Part 7. [Reserved]

Part 8. [Reserved]

Part 9.

9.01.900 Right of Judicial Review.

A. Except as otherwise provided in this Chapter or by law, any person aggrieved by any administrative decision of a hearing officer pursuant to this Chapter, may obtain judicial review of the administrative decision in the Superior Court by filing with the court a petition for writ of mandate pursuant to Section 1094.6 of the Code of Civil Procedure.

B. This section does not apply to decisions of the hearing officer relating to administrative fines pursuant to Part 6 of this Chapter. Such decisions may be appealed pursuant to Section 9.01.692 and Government Code section 53069.4. (Legislative History Ord. No. 03-011.)

Chapter 9.02 Reserved

Chapter 9.03 Alarm Systems

Sections:

9.03.010	Purpose.
9.03.020	Definitions.
9.03.030	Alarm Permit Required.
9.03.040	Permit Subject to Other Regulations and Fees.
9.03.050	Permit Application Process.
9.03.060	Grounds for Denial.
9.03.070	Separate Permit for Each Residence, Business.
9.03.080	Permit Not Transferable — Use of Permit at Other Location.
9.03.090	Acts Constituting a Nuisance.
9.03.100	Notice of Nuisance.
9.03.110	Contents of Notice.
9.03.120	Penalties for Violations.
9.03.130	Suspension of Responses.
9.03.140	Hearing on Suspension of Responses.
9.03.150	Appeals.
9.03.160	Enforcement.
9.03.170	Exemptions.
9.03.180	Prohibited Alarms.

9.03.010 Purpose.

This Chapter is enacted to promote the health, welfare and safety of the citizens of Dixon by reducing false alarms, permitting the recovery of costs resulting from responses to false alarms, and regulating the use of certain alarm systems in the City of Dixon. False alarms constitute a hazard to the safety of peace officers, fire fighters and the public in general, both because of the danger of collisions while in route to false alarms, and because responding to false alarms diverts police and fire resources from

other important duties. (Legislative History Ord. No. 04-002.)

9.03.020 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

“Alarm agent” means any person who is employed either directly or indirectly by an alarm business and who sells, installs, or monitors alarm systems or who notifies public safety officials following the activation of an alarm system.

“Alarm system” means any device designated for the detection of an unauthorized entry or attempted entry into a structure, or for alerting others of the commission of an unlawful act, fire or emergency medical situation, and which when activated, emits a sound, light, or transmits a signal or message. The term “alarm system” includes crime prevention alarms; and fire and emergency medical alarms. As used in this Chapter, the term “Alarm System” does not include:

1. Audible alarms affixed to automobiles, boats, boat trailers, or recreational vehicles.
2. Alarm devices installed in residential structures and not monitored by an Alarm Agent.
3. Alarm devices installed on a temporary basis by the Dixon Police Department or the Dixon Fire Department, or hand held/portable personal safety devices.

“Alarm business” means the business of any person of leasing, monitoring, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system in, over, under, or on any building, structure or facility. Alarm business does not include a business, which engages in the manufacture or sale of an alarm system, unless such business services, installs, monitors or responds to alarm systems at the protected premises. Alarm businesses shall be licensed in accordance with the provisions of Business and Professions Code section 7590 et seq.

“Chief of Police” means the Chief of Police of the City or his or her designee.

“Collector” means the City officer or employee charged with the administration of this Chapter. The collector may be a representative of either the Police or Fire Department.

“Department” means the City of Dixon Police Department or Fire Department.

“False alarm” means the activation of an alarm system which results in a response by the Police or Fire Department and which the Department determines was not warranted by a crime or emergency situation.

“Fire Chief” means the Fire Chief of the City or his or her designee. (Legislative History Ord. No. 04-002.)

“Permittee” means the person to whom a permit for an alarm system is issued pursuant to this Chapter. Alarm permits shall only be issued to the owner or lawful tenant of the structure in which the alarm system is installed.

9.03.030 Alarm Permit Required.

It is unlawful for any person or persons to install or use any alarm system without a valid alarm permit duly by the City pursuant to this Chapter.

A. Permit for Fire and Emergency Medical Alarms. No person shall install or use a fire or emergency medical alarm system within the City without first obtaining an alarm permit from the Fire Chief.

B. Permit for Crime Notification Alarms. No person shall install or use a crime notification alarm system within the City without first obtaining an alarm permit from the Chief of Police.

C. Content of Alarm Permit Application. The alarm permit application shall include the following:

1. The name, address, and telephone number of the alarm business or its alarm agent.
2. The name, address, and telephone number of the permittee.
3. The address, and telephone number of the site on which the alarm system is installed.
4. The location, classification and purpose of the alarm system.
5. The name of at-least one (1) person other than the permittee responsible for responding to the alarm site, and the address and telephone number of such person.

D. Notification of change. In the event information provided pursuant to section 9.03.030.0 changes, the permittee shall notify the appropriate department in writing within ten (10) days of the change. Permits are not transferable to another permittee, but the location of the alarm system may be changed as provided in section 9.03.080.

E. Permits for Integrated Alarm Systems. A single application may be submitted for integrated Alarm Systems that include both Crime Notification and Fire and/or Emergency Medical functions. The application may be submitted to either the Fire Chief or the Chief of Police. Approval of both Departments shall be required prior to

installation or use of the alarm system. (Legislative History Ord. No. 04-002.)

9.03.040 Alarm Permit Subject to Other Regulations and Fees.

No person shall be entitled to an alarm permit unless and until the person has complied with all applicable City ordinances. No permit shall be issued until the applicant has obtained clearance from the appropriate Department. All applicants shall be subject to any and all fees that are applicable. (Legislative History Ord. No. 04-002.)

9.03.050 Permit Application Process.

A. Every person required to have an alarm permit under the provisions of 9.03.030 shall make application for the same to the collector.

B. The application shall be on a form provided by the collector and shall be signed by the permittee under penalty of perjury.

C. Information provided in connection with an application for an alarm permit may be shared with other government agencies involved in the provision of fire, emergency medical or public safety services, or as otherwise deemed necessary or appropriate by the City. (Legislative History Ord. No. 04-002.)

9.03.060 Grounds for Denial.

An application for an alarm permit shall be processed in a timely manner. The permit may be denied by the collector on any one of the following grounds:

A. The applicant fails to provide the information required by section 9.03.030.

B. The applicant, his or her employee or agent has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a permit.

C. The alarm system has been determined to be a "nuisance alarm" under the provisions of section 9.03.090. (Legislative History Ord. No. 04-002.)

9.03.070 Separate Permit for Each Residence, Business.

A separate permit must be obtained for each private residence, branch establishment or location of a business. Each permit shall authorize the use of an alarm system for each separate location designated in the permit. (Legislative History Ord. No. 04-002.)

9.03.080 Permit Not Transferable — Use of Permit at Other Location.

No permit issued pursuant to this Chapter is transferable; provided that where a permit is issued, authorizing the use of an alarm system at a particular place, the permit holder may, upon application therefore and paying a fee set forth by resolution of the City Council, have the permit amended to authorize the use of the alarm system at some other location to which the alarm system is to be used or to be moved. (Legislative

History Ord. No. 04-002.)

9.03.090 Acts Constituting a Nuisance.

Any alarm system that causes a false alarm to occur more than three (3) times in the same calendar month shall constitute a nuisance. The following are declared to constitute false alarms:

- A. User error. Any permittee or their agent who by their actions or inaction causes an unintended activation of their alarm system.
- B. Mechanical error. An alarm system that causes an unwanted activation due to the alarm system being damaged, installed incorrectly, or operating in a defective condition.
- C. False dispatching. An alarm agent that alerts public safety services prior to confirming that the activation of an alarm system is legitimate, except in the case of fire alarms where the alarm agent is required by law to notify the Fire Department prior to notifying the permittee.
- D. Other. Any other activation of an alarm system that results in a response by the Police or Fire Department when the Department reasonably determines was not warranted by a crime or other emergency situation. (Legislative History Ord. No. 04-002.)

9.03.100 Declaration of Nuisance.

Whenever the Department determines that an alarm system is a nuisance as defined in 9.03.090, the Department shall mail a notice of the nuisance to the permittee. (Legislative History Ord. No. 04-002.)

9.03.110 Contents of Notice.

The notice of the nuisance alarm shall set forth the following:

- A. The name of the Permittee and the street address of the alarm system.
- B. A description of the condition causing the nuisance, if known, including the dates and times.
- C. Any fines or fees being levied against the permittee.

(Legislative History Ord. No. 04-002.)

9.03.120 Penalties for Violations.

Any permittee found responsible for a nuisance alarm shall be fined a fee established

by resolution of the City Council. (Legislative History Ord. No. 04-002.)

9.03.130 Suspension of Response.

A. Upon the third false alarm within same calendar month, response to any further alarms at the permittee's location may be suspended by the Chief of Police or Fire Chief, as applicable, until such time as the condition or conditions giving rise to the false alarms has been corrected to the reasonable satisfaction of the Chief of Police or Fire Chief.

B. The permittee shall be notified in writing of the decision to suspend response, which notice shall be mailed no less than seven (7) days prior to the effective date of the suspension. The notice shall inform the permittee that the permittee may request, in writing, that a hearing on the suspension be held in accordance with section 9.03.140, and that failure to request a hearing within that time constitutes a waiver of the permittee's right to challenge the suspension. Any such request must be received by the Department within 30 days of the date of the mailing of the notice of suspension. (Legislative History Ord. No. 04-002.)

9.03.140 Hearing on Suspension of Response.

Upon receipt of a timely written request by the permittee, the Fire Chief or Chief of Police shall set the time, date and location of a hearing on the suspension of response, which hearing date shall be within 30 days of the effective date of the suspension. The hearing shall be held before the Chief of Police or the Fire Chief, as appropriate, and may be continued from time-to-time if necessary to effectuate the purpose of this Chapter. At the time of the hearing, testimony and evidence shall be received as follows:

- A. The technical rules relating to witnesses and evidence need not be followed.
- B. Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely on during the conduct of serious affairs.
- C. After the hearing, the Fire Chief or Chief of Police shall render a decision, in writing, upholding or vacating the suspension of response. The notice of decision shall be mailed to the permittee within 10 days of the conclusion of the hearing.
- D. Failure to appear by the permittee shall be determined to be a waiver of the right to appeal. (Legislative History Ord. No. 04-002.)

9.03.150 Appeals.

The decision of the Chief of Police or the Fire Chief following a hearing on a suspension of response may be appealed to the City Council by any interested person.

- A. Notice of appeal must be in writing and filed with the City Clerk within seven (7)

days after the mailing of the decision to the permittee, and shall be accompanied by any applicable fee.

B. A failure to appeal shall be deemed a waiver of the right to appeal.

C. Upon receipt of the appeal, a hearing will be set before the City Council, within 30 days of receipt of the notice and the appellant shall be notified in writing of the time, date and place of the hearing.

D. The Fire Chief or Chief of Police shall be notified of the appeal and shall then transmit his or her records on the matter to the City Council.

E. The decision of the Fire Chief or Chief of Police shall be upheld unless the City Council concludes that the decision was clearly erroneous. The appellant shall have the burden of proof in the hearing before the City Council.

F. The City Council may affirm, reverse, or modify the decision of the Fire Chief or Chief of Police. (Legislative History Ord. No. 04-002.)

9.03.160 Enforcement.

The Chief of Police or the Fire Chief shall be responsible for enforcement of this Chapter. (Legislative History Ord. No. 04-002.)

9.03.170 Prohibited Alarms.

No person shall install or use, or permit the installation or use on property within their control, of either of the following:

A. An alarm which directly dials the Police or Fire Department; or

B. An alarm system containing components which are not Underwriters' Laboratory (UL) listed or the equivalent. (Legislative History Ord. No. 04-002.)

TITLE 10
[Reserved]

**TITLE 11
PUBLIC PEACE, MORALS, AND WELFARE**

Chapter 11.01 [Reserved]

Chapter 11.02 Adult-Oriented Businesses

Sections:

- 11.02.110 Purpose and Intent.**
- 11.02.120 Licenses and Registration Required – Violations.**
- 11.02.130 Classifications.**
- 11.02.140 Pre-Existing Adult-Oriented Businesses.**
- 11.02.210 Definitions.**
- 11.02.310 Adult-Oriented Business Licenses.**
- 11.02.320 Investigation and Action on Application for Adult-Oriented Business License.**
- 11.02.330 Transfer of Adult-Oriented Business Licenses.**
- 11.02.410 Adult-Oriented Business Employee License Required.**
- 11.02.420 Investigation and Action on Application for Adult-Oriented Business Employee License.**
- 11.02.430 Transfer of Adult-Oriented Business Employee License.**
- 11.02.510 Denial of License Renewal.**
- 11.02.520 Suspension of License.**
- 11.02.530 Revocation of License.**
- 11.02.540 Suspension or Revocation Hearing.**
- 11.02.550 Appeal.**
- 11.02.560 Confidentiality.**
- 11.02.610 Prohibition Against Minors in an Adult-Oriented Business.**
- 11.02.620 Concealing Specified Sexual Activities and Specified Anatomical Areas from Public View.**
- 11.02.630 Posting Notices Relating to Minors.**
- 11.02.640 Indoor Areas Open to View by Management.**
- 11.02.650 Security Guards.**
- 11.02.660 Register and License Number of Employees.**
- 11.02.670 Inspection.**
- 11.02.680 Restroom Facilities.**
- 11.02.690 Additional Regulations for Adult Arcade.**
- 11.02.691 Additional Regulations Relating to Live Entertainment.**
- 11.02.692 Additional Regulations for Adult Motels.**
- 11.02.693 Additional Regulations Relating to the Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.**
- 11.02.694 Additional Regulations for Nude Model Studios.**
- 11.02.695 Additional Regulations Concerning Public Nudity.**
- 11.02.696 Hours of Operation.**
- 11.02.710 Separate Offense for Each Day.**

- 11.02.720 Public Nuisance.**
- 11.02.730 Criminal Penalties.**
- 11.02.740 Civil Injunction.**
- 11.02.750 Administrative Remedies.**
- 11.02.760 Revocation of License.**
- 11.02.810 Regulations Nonexclusive.**
- 11.02.820 Time Limit for Filing Application for License.**
- 11.02.830 Time Limit for Judicial Challenge.**
- 11.02.840 Severability.**

11.02.110 Purpose and Intent.

It is the intent of this Chapter to regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials and paraphernalia protected by the First Amendment, or denying access by the distributors, exhibitors, and performers of adult-oriented entertainment to their intended market. In addition, the provisions of this Chapter have neither the purpose nor effect of condoning or legitimizing the distribution of obscene material. (Legislative History Ord. No. 06-012.)

11.02.120 Licenses and Registration Required – Violations.

A. It is unlawful for any person to engage in conduct, carry on, or permit to be engaged in, conducted, or carried on, in or upon any premises in the City, the operation of an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect a valid Adult-Oriented Business License issued by the Chief of Police pursuant to this Chapter.

B. It is unlawful for any person who operates an Adult-Oriented Business to employ or permit a person to work for or at the Adult-Oriented Business who does not possess a valid Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter.

C. It is unlawful for any person to obtain employment with or perform work for or at an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect a valid Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter. These provisions shall not apply to persons exclusively on the premises of the Adult-Oriented Business to render only repair or maintenance services or to deliver equipment or goods to the Adult-Oriented Business as long as such persons are not Nude, Semi-Nude, in a State of Nudity, or in a Semi-Nude Condition.

D. It is unlawful for any person to engage in or participate in any live performance distinguished or characterized by the depiction of, description, showing or simulation of Specified Anatomical Areas or involving Specified Sexual Activities in an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and

effect a valid Adult-Oriented Business Employee License issued by the Chief of Police pursuant to this Chapter. (Legislative History Ord. No. 06-012.)

11.02.130 Classifications.

Adult-Oriented Businesses are classified as follows:

- A. Adult Arcades;
- B. Adult Bookstores;
- C. Adult Cabarets;
- D. Adult Motels;
- E. Adult Motion Picture Theaters;
- F. Adult Theaters;
- G. Nude Model Studios; and
- H. Sexual Encounter Centers.

(Legislative History Ord. No. 06-012.)

11.02.140 Pre-Existing Adult-Oriented Businesses.

This Chapter shall apply to any pre-existing Adult-Oriented Business, each of which shall comply not later than six months after the effective date of this Chapter. (Legislative History Ord. No. 06-012.)

11.02.210 Definitions.

The definitions contained in this Section shall govern the construction of this Chapter.

A. “Adult Arcade” means any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or any other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.

B. “Adult Bookstore, Adult Novelty Store or Adult Video Store” means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas; or,
2. Instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with Specified Sexual Activities.

The phrase "**regular and substantial course of conduct**" shall be construed with reference to all relevant factors, including but not limited to any one or more of the following:

3. The business devotes more than twenty-five percent (25%) of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas.
4. The business devotes more than twenty-five percent (25%) of the retail floor area to merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities and Specified Anatomical Areas.
5. The retail value of merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities and Specified Anatomical Areas exceeds twenty-five (25%) of the total retail value of inventory offered in each of the following categories: (a) books, (b) magazines, (c) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), for sale or rental, (d) novelties and devices, and (e) on-premises viewing of images, films, and or videos.
6. Gross revenue derived from merchandise in any category set forth in Paragraph C above exceeds (25%) of the total gross revenue for the category.

There is a rebuttable presumption that a business constitutes an adult bookstore, adult novelty store or adult video store where the business (a) offers or advertises merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas and (b) fails to make revenue and inventory related business records available to the City upon seventy-two (72) hours notice.

C. “Adult Cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which, as a regular and substantial course or conduct, features:

1. Persons who appear in a State of Nudity or Semi-Nude Condition; or
2. Live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities, or
3. Films, motion pictures, video cassettes, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD), slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.

The phrase "**regular and substantial course of conduct**" shall be construed with reference to all relevant factors, including but not limited to the following:

1. The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.
2. The proportion of the business' revenue that is attributable to performances or services that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual/Activities or Specified Anatomical Areas.

D. “Adult Motels” means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, any materials in digital format (including, but not limited to, compact disc (CD) or digital video disk (DVD), slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas; and has any of the following characteristics:

1. A sign visible from the public right of way which advertises the availability of the above-described photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

E. “Adult Motion Picture Theater” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, any materials in digital format (including, but not limited to, compact disc (CD) or digital video disk (DVD), slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, for observation by five (5) or more patrons at any one time.

The phrase "**regularly shown**" shall be construed with reference to all relevant factors, including but not limited to the following:

1. The proportion of the theater's photographic reproductions that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.
2. The number of photographic reproductions shown at the theater each month that are distinguished or characterized by an emphasis upon depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.
3. The proportion of the business' revenue that is attributable to entertainment that is distinguished or characterized by an emphasis upon the display or depiction of Specified Sexual Activities or Specified Anatomical Areas.

F. “Adult-Oriented Businesses” means any of the following commercial establishments where patrons are permitted or invited: an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, or Sexual Encounter Center.

G. “Adult Theater” means a theater, concert hall, auditorium, or similar commercial establishment which as a regular and substantial course of conduct features persons who appear in a State of Nudity or Semi-Nude Condition and/or features live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

The phrase "**regular and substantial course of conduct**" shall be construed with reference to all relevant factors, including but not limited to the following:

1. The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.
2. The proportion of the business' revenue that is attributable to

entertainment that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

H. “Distinguished or Characterized by An Emphasis Upon” means the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas," the films so described are those whose dominant or predominant character and theme are the depiction, description, showing, or simulation of the enumerated sexual activities or anatomical areas.

I. “Employee” means a person who performs any service on the premises of an Adult-Oriented Business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises of the Adult-Oriented Business to render only repair or maintenance services or to deliver equipment or goods to the Adult-Oriented Business as long as such persons are not in a State of Nudity or in a Semi-Nude Condition.

J. “Establishment of an Adult-Oriented Business” means and includes any of the following:

1. The opening or commencement of any Adult-Oriented Business as a new business;
2. The conversion of an existing business, whether or not an Adult-Oriented Business, to any other Adult-Oriented Business;
3. The addition of any Adult-Oriented Business to any other existing Adult-Oriented Business; or
4. The relocation of any Adult-Oriented Business.

K. “Fabric” means cloth made by weaving or knitting natural or synthetic fibers and filaments.

L. “Hotel” means a building where lodging and possibly meals, entertainment and other various personal services are provided to the public for some form of consideration.

M. “Licensee” means: (i) a person in whose name a license to operate an Adult-Oriented Business has been issued, as well as the person listed as an applicant on the application for a license; and (ii) in the case of an employee, a person in whose name a license has been issued authorizing employment in an Adult-Oriented Business.

N. “Motel” means a hotel in which the rooms are accessible from the business parking areas.

O. “Nude Model Studio” means any place where a person: (a) appears Semi-Nude, in a State of Nudity, or displays Specified Anatomical Areas; and (b) is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of California or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. That has no sign visible from the exterior of the structure and no other advertising that indicates a person is a State of Nudity or a Semi-Nude Condition is available for viewing;
2. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
3. Where no more than one (1) Nude or Semi-Nude model is on the premises at any one time.

P. “Nudity or a State of Nudity” means the showing of the human male or female genitals, pubic area, anus, or buttocks with less than a fully opaque Fabric covering, the showing of the female breast with less than a fully opaque Fabric covering of any part of the areola, or the showing of completely or opaquely covered male genitals in a discernibly turgid state.

Q. “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

R. “Police Chief or Chief of Police” means the Chief of Police of City of Dixon or the authorized representatives thereof.

S. “Semi-Nude or in a Semi-Nude Condition” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

T. “Sexual Encounter Center” means a business or commercial enterprise that, as one of its principal purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, when one or more of the persons is in a State of Nudity or Semi--Nude Condition.

U. “Specified Anatomical Areas” means and includes the following:

1. Less than completely and opaquely covered by fabric: (a) human genitals or pubic region; (b) human buttocks; (c) human anus; or (d) the female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered by Fabric; and
3. Any device, costume, or covering that simulates any of the body parts included in subdivisions (1 or 2) above.

V. “Specified Criminal Activity” means:

1. Any of the following offenses: (a) prostitution or promotion or pimping of prostitution; (b) dissemination of obscenity; (c) sale, distribution or display of harmful material to a minor; sexual performance involving a child; (d) possession or distribution of child pornography; (e) public lewdness; (f) indecent exposure; (g) indecency with a child; (h) engaging in organized criminal activity; (i) sexual assault; (j) molestation of a child; (k) gambling; (l) distribution of a controlled substance; or (m) any similar offenses to those described above under the criminal or penal code of other states or counties;
2. for which:
 - (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for a misdemeanor offense;
 - (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or,
 - (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

W. “Specified Sexual Activities” means and includes any of the following, whether performed directly or indirectly through clothing, Fabric, or other covering:

1. The fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or female breast;
2. Sex acts, actual or simulated, including but not limited to, masturbation, intercourse, oral copulation, sodomy, or bestiality;
3. Masturbation, actual or simulated;
4. Excretory functions as part of or in connection with any of the other activities described in subdivision 1 through 3 above.

X. “Transfer of Ownership or Control of Adult-Oriented Business” means and includes any of the following:

1. The sale, lease, or sublease of the Adult Oriented Business;
2. The transfer of securities which constitute a controlling interest in the Adult-Oriented Business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the Adult-Oriented Business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Legislative History Ord. No. 06-012.)

11.02.310 Adult-Oriented Business License Required.

Every person who proposes to maintain, operate, conduct, or establish an Adult-Oriented Business in the City shall file an application with the Chief of Police on a form provided by the City and shall pay a non-refundable application, investigation, and licensing fee set forth in the schedule of fees established from time to time by the City Council.

A. All applicants must be qualified according to the provisions of this Section. The application may request and the applicant shall provide such information including fingerprints as to enable the Chief of Police to determine whether the applicant meets the qualifications established in this Section.

B. If a person who wishes to operate an Adult-Oriented Business is an individual, the person must sign the application. If a person who wishes to operate an Adult-Oriented Business is other than an individual, each individual who has a twenty percent (20%) or greater ownership interest in the Adult-Oriented Business must sign the application. Each applicant must be qualified under this Section and each applicant shall be considered a Licensee if a license is granted.

C. The completed application for an Adult-Oriented Business License shall contain

the following information and shall be accompanied by the following documents:

1. If the applicant is:
 - (a) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least eighteen (18) years of age;
 - (b) a partnership, the partnership shall state its complete name, address, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - (c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, and the name of the registered corporate agent and the address of the registered office for service or process.
2. If the applicant intends to operate the Adult-Oriented Business under a name other than that of the applicant; the applicant shall register the fictitious name of the Adult-Oriented Business with the appropriate governmental entity and show written proof of registration of the fictitious name.
3. Whether the applicant has been convicted of a Specified Criminal Activity and, if so, the Specified Criminal Activity involved, the date, place, and jurisdiction of each.
4. Whether the applicant has ever had a license previously issued under this Chapter or its predecessor, or other similar Adult-Oriented Business ordinances from another city or county, denied, suspended or revoked,- including the name and location of the Adult-Oriented Business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Chapter, or its predecessor, whose license has previously been denied, suspended or revoked, including the name and location of the Adult-Oriented Business for which the license was denied, suspended or revoked as well as the date of denial, suspension or revocation.
5. Whether the applicant holds any other licenses under this Chapter, or its predecessor, or other similar Adult-Oriented Business ordinance from another city or county, and, if so, the names and locations of such other licensed businesses.

6. The particular Adult-Oriented Business for which the applicant is applying. An applicant must apply separately for each Adult-Oriented Business to be operated, owned, managed, or controlled by the applicant.
7. The address to which notice of action on the application is to be mailed.
8. The location of the Adult-Oriented Business, including a legal description of the property, street address, and telephone number(s), if any.
9. The applicant's mailing address and residential address.
10. A recent photograph of the applicant.
11. The applicant's driver's license number, Social Security number, and the applicant's state or federally issued tax identification number.
12. The names of all Employees, independent contractors, and other persons who will perform at the Adult-Oriented Business, who are required by this Chapter to obtain an Adult-Oriented Business Employee License.

(Legislative History Ord. No. 06-012.)

11.02.320 Investigation and Action on Application for Adult-Oriented Business License.

A. The Chief of Police shall determine whether the application contains all of the information required by the provisions of this Section. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of the date of receipt of the application that the application is not complete and the reasons therefore. The applicant shall have thirty (30) calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within five (5) business days following the receipt of a supplemental or amended application, the Chief of Police shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. If an applicant submits two (2) consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with Chief of Police as set forth herein.

B. Within five (5) business days after receipt of a completed application and the required filing fee, the Chief of Police shall transmit copies of the application and its attachments to appropriate City departments.

C. Within thirty (30) business days after receipt of a completed application and the required filing fee, the Chief of Police shall complete the investigation, grant or deny the

application in accordance with the provisions of this Section, and shall notify the applicant as follows:

1. If the application is approved, the Chief of Police shall write or stamp "Granted" on the application and date and sign such notation. The Chief of Police shall attach to the application an Adult-Oriented Business License.
2. If the application is denied, the Chief of Police shall write or stamp "Denied" on the application and date and sign such notation. The Chief of Police shall attach to the application a statement of the reasons for denial.
3. The documents specified in paragraphs 1 and 2 above shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address specified in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the United States mail or the date upon which personal service is provided.

D. The Chief of Police shall approve the issuance of a license to an applicant, unless it is determined by a preponderance of the evidence that any of the following findings is true:

1. An applicant is under eighteen (18) years of age.
2. An applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered a question or request for information falsely on the application form.
3. An applicant has been denied a license by the City to operate an Adult-Oriented Business within the twelve (12) months preceding the filing of the application, or the applicant's license to operate an Adult-Oriented Business has been revoked within the twelve (12) months preceding the filing of the application.
4. The applicant has been convicted of a Specified Criminal Activity, either within the State of California or in another jurisdiction.
5. The applicant has, within the past (5) years, been convicted in an administrative enforcement

E. The license, if granted, shall expire one (1) year from the date of issuance and may only be renewed by the Licensee filing with the Chief of Police: (a) a written request for renewal on a form provided by the City; (b) a non-refundable application, investigation, and licensing fee set forth in the schedule of fees established from time to time by the City Council; and (c) a copy of the license to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the license. When a renewal request is made less than thirty (30) days before the expiration date, the expiration shall not be stayed. The Chief of Police shall act upon applications for

license renewal as provided herein for applications for licenses.

F. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the Adult-Oriented Business and the single classification of Adult-Oriented Business as set forth in Section 11.02.130 herein, for which the license is issued.

G. All licenses shall be posted in a conspicuous place at or near the entrance to the Adult-Oriented Business so that they may be easily read at any time by all persons entering the Adult-Oriented Business.

H. Within thirty (30) calendar days of any change in the information originally submitted with the license application, all Licensees shall provide the Chief of Police with a written statement supplementing or amending the information required by this Section. Failure to submit such changes shall be grounds for suspension of the Adult-Oriented Business License.

I. Within thirty (30) calendar days of any change in Employee hiring or status, all Licensees shall provide the Chief of Police with a written statement supplementing or amending the information required by this Section. Failure to submit such changes shall be grounds for suspension of the Adult-Oriented Business License.

J. If the Chief of Police neither grants nor denies a completed application for which the filing fees have been paid, within thirty (30) business days after its receipt, the applicant may begin operating the Adult-Oriented Business for the single classification of Adult Oriented Business as set forth in Section 11.02.130 herein, for which the license was sought, subject to strict compliance with the Development and Performance Standards and Regulations of Article 6 of this Chapter. (Legislative History Ord. No. 06-012.)

11.02.330 Transfer of Adult-Oriented Business Licenses.

A. It is unlawful for a Licensee to operate an Adult-Oriented Business under the authority of an Adult-Oriented Business License at any place other than the address of the Adult-Oriented Business stated in the application upon which the license was issued.

B. It is unlawful for a Licensee to Transfer Ownership or Control of an Adult-Oriented Business License to another person unless and until the transferee first obtains a written amendment to the license from the Chief of Police in accordance with and subject to the application and fee requirements set forth in this Section.

C. It is unlawful for a Licensee to transfer an Adult-Oriented Business License when the Chief of Police has notified the Licensee that the license has been suspended or revoked or that such action is pending.

D. Any attempt to transfer a license either directly or indirectly in violation of this

Section is void, and the license shall be deemed revoked. (Legislative History Ord. No. 06-012.)

11.02.410 Adult-Oriented Business Employee License Required.

A. No person shall engage in or participate in any live performance distinguished or characterized by the depiction, description, showing or simulation of Specified Anatomical Areas or involving Specified Sexual Activities in an Adult-Oriented Business, without a valid Adult-Oriented Business Employee License issued by the Chief of Police.

B. No person shall be employed at an Adult-Oriented Business, except those persons excluded from the license requirements pursuant to Section 11.02.210, without a valid Adult-Oriented Business Employee License issued by the Chief of Police.

C. Before any applicant may be issued an Adult-Oriented Business Employee License, the applicant shall submit to the Chief of Police on a form to be provided by the City the following information:

1. The applicant's legal name and any other name including "stage" names or aliases used by the applicant;
2. Age, date, and place of birth;
3. Height, weight, hair and eye color;
4. Present residence address and telephone number;
5. Present business address and telephone number;
6. Date, issuing state and number of driver's license or other identification card information;
7. Social Security number; and,
8. Satisfactory written proof that the individual is at least eighteen (18) years of age.

D. Attached to the application form shall be the following:

1. A color photograph of the applicant clearly showing the applicant's, face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application,

including whether such applicant previously operated or is seeking to operate in this or any other county, city, state, or country, and whether such applicant has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, the applicant shall state the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

3. A statement whether the applicant has been convicted within the past five (5) years, as of the date of submitting the application, of a Specified Criminal Activity as defined in this Chapter and if so, the Specified Criminal Activity involved, the date, place and jurisdiction of each conviction.
4. A statement whether the applicant is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution, the place or such registration, licensing or legal authorization, and the inclusive dates during which the applicant was so licensed, registered, or authorized.

E. Every application for an Adult-Oriented Business Employee License, whether for a new license or for a renewal of an existing license, shall be accompanied by a non-refundable application, investigation and license fee as set forth in the schedule of fees established from time to time by the City Council. (Legislative History Ord. No. 06-012.)

11.02.420 Investigation and Action on Application for Adult-Oriented Business Employee License.

A. Upon receipt of an application for an Adult-Oriented Business Employee License and the required non-refundable application, investigation, and licensing fee, the Chief of Police shall issue a temporary license to the applicant. The temporary license shall be valid until the Adult-Oriented Business Employee License is either granted or the denial of such license is final.

B. The Chief of Police shall determine whether the application contains all of the information required by the provisions of this Section. If it is determined that the application is not complete, the applicant shall be notified in writing within five (5) business days of the date of receipt of the application that the application is not complete and the reasons therefore. The applicant shall have ten (10) calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within five (5) business days following the receipt of a supplemental or amended application, the Chief of Police shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the

application is found to be complete, the applicant shall be notified within five (5) business days of that fact. If an applicant submits two (2) consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with Chief of Police as set forth herein.

C. Within fifteen (15) business days after the issuance of the temporary license, the Chief of Police shall grant or deny the application and so notify the applicant as follows:

1. If the application is approved, the Chief of Police shall write or stamp "Granted" on the application and date and sign such notation. The Chief of Police shall attach to the application an Adult-Oriented Business Employee License.
2. If the application is denied, the Chief of Police shall write or stamp "Denied" on the application and date and sign such notation. The Chief of Police shall attach to the application a statement of the reasons for denial.
3. The documents specified in 1. and 2. above shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address specified in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the United States mail or the date upon which personal service is provided.

D. The Chief of Police shall grant the application unless it is determined by a preponderance of the evidence that any of the following findings is true:

1. The applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered a question or request for information falsely on the application form;
2. The applicant is under the age of eighteen (18) years;
3. The applicant has been convicted of a Specified Criminal Activity, whether within the State of California or in another jurisdiction;
4. The Adult-Oriented Business Employee License is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Chapter; and,
5. The applicant has, within the past (5) years, been convicted in an administrative enforcement action or court action of violating an Adult-Oriented Business ordinance.

E. The license, if granted shall expire one (1) year from the date of issuance and may be renewed only by the Licensee filing with the Chief of Police: (a) a written request for renewal on a form provided by the City; (b) the required fee; and (c) a copy of the license to be renewed. The request for renewal shall be made at least thirty (30)

days before the expiration date of the license. When a renewal request is made less than thirty (30) days before the expiration date, the expiration shall not be stayed. The Chief of Police shall act upon applications for license renewal as provided herein for applications for initial licenses.

F. The license, if granted, shall state on its face the name of the person to whom it is granted, and the expiration date. The Chief of Police shall provide each person issued an Adult-Oriented Business Employee Licensee with an identification card containing the name, photograph, and license number of the Licensee.

G. Both the license and identification card shall be available for inspection at all times during which the Licensee is on the premises of the Adult-Oriented Business. The Licensee shall wear the identification card at all times while on the premises of the Adult-Oriented Business, except while actually performing. The identification card shall be affixed to clothing on the front of the Licensee and above waist level so that the picture and license number are clearly visible to patrons.

H. If the Chief of Police neither grants nor denies a completed application for which the filing fees have been paid, within fifteen (15) business days after its receipt, the applicant may begin the employment for which the license is sought, subject to strict compliance with the Development and Performance Standards and Regulations of Article 6 of this Chapter. (Legislative History Ord. No. 06-012.)

11.02.430 Transfer of Adult-Oriented Business Employee License.

A Licensee shall not transfer ownership or control of an Adult-Oriented Business Employee License. Any attempt to transfer such a license shall be void. (Legislative History Ord. No. 06-012.)

11.02.510 Denial of License Renewal.

When the Chief of Police denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the Chief of Police finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final. (Legislative History Ord. No. 06-012.)

11.02.520 Suspension of License.

The Chief of Police shall suspend a license for a period not to exceed thirty (30) days if he or she determines that a Licensee or an Employee of a Licensee has:

- A. Violated or is not in compliance with any section of this Chapter; or,
- B. Refused to allow an inspection of the Adult-Oriented Business premises as authorized by this Chapter. (Legislative History Ord. No. 06-012.)

11.02.530 Revocation of License.

A. The Chief of Police shall revoke a license if a cause of suspension in Section 11.02.520 occurs and the license has been suspended within the preceding twelve (12) months.

B. The Chief of Police shall revoke a license for any of the following causes arising from the acts or omissions of the Licensee, or an Employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business:

1. a Licensee knowingly gave false, misleading, or fraudulent information in the material submitted during the application process, or in any report or record required to be filed with the City;
2. a Licensee, Employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following acts on the premises of the Adult-Oriented Business, or in the case of an Adult-Oriented Businesses performer, the performer has engaged in one of the activities described below while on the premises of an Adult-Oriented Business:
 - (a) any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation, with the exception of Adult Motels unless the Licensee or Employee of the Adult Motel knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view;
 - (b) use of the Adult-Oriented Business as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur; or,
 - (c) the occurrence of Specified Criminal Activities, including acts of lewdness, assignation, or prostitution, or act relating to obscene matter or distribution of harmful matter to minors.
3. a Licensee knowingly operated, performed or was employed at the Adult-Oriented Business during a period of time when the Licensee's license was suspended.

C. When the Chief of Police revokes a license, the revocation shall continue for one (1) year, and the Licensee shall not be issued an Adult-Oriented Business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Chief of Police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. (Legislative History Ord. No. 06-012.)

11.02.540 Suspension or Revocation Hearing.

A. On determining that grounds for license revocation or suspension exist, the Chief of Police shall furnish written notice of the proposed suspension or revocation to the Licensee. Such notice shall set forth the time and place of a hearing to be conducted by a hearing officer appointed by the City Manager, and the grounds upon which the hearing is based, the pertinent Code sections at issue, and a brief summary of the facts in support of the suspension or revocation. The notice shall be mailed, postage prepaid, to the last know address of the Licensee, or shall be delivered to the Licensee personally, at least ten (10) working days prior to the hearing date. At the hearing, all parties shall have a right to offer testimonial, documentary, and tangible evidence on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence upon which reasonable persons are accustomed to rely in the conduct of serious matters may be admitted. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or witness.

B. Notice of the hearing officer s decision shall be mailed to the applicant or Licensee no later than seven (7) days after the hearing. If the hearing officer finds and determines that there are grounds for revocation or suspension, the Chief of Police shall do either of the following:

1. Suspend the license for a specified period of time not to exceed three (3) months for the first offense;
2. Revoke the license for any second offense, or for any first offense for matters prohibited by Section 11.02.530B.

(Legislative History Ord. No. 06-012.)

11.02.550 Appeal.

A. All decisions of the Chief of Police to issue, renew, deny, suspend or revoke a license are final. The applicant or licensee may seek prompt judicial review of such decision in any court of competent jurisdiction as provided by law, including judicial review pursuant to Section 1094.8 of the California Code of Civil Procedure.

B. Notwithstanding the applicant's or licensee's right to initiate judicial review, upon the written request of an aggrieved applicant or licensee made within ten (10) days of the Chief s decision, the City shall, within three (3) business days of its receipt of the request, file an action with a court of competent jurisdiction seeking declaratory and injunctive relief, including temporary and preliminary relief, as to the propriety of the denial, revocation, or suspension.

If, upon request, the City files such action seeking judicial review or the aggrieved applicant or licensee files the action, the City's revocation or suspension will be stayed pending a judicial decision on an application for temporary restraining order or a motion

for preliminary injunction, whichever is earlier. (Legislative History Ord. No. 06-012.)

11.02.560 Confidentiality.

License applications required by Sections Article 3 and 4 above and all information contained therein shall be confidential. Absent an order from a court of competent jurisdiction, the City shall not disclose for public review the applications or the information contained therein. (Legislative History Ord. No. 06-012.)

11.02.610 Prohibition Against Minors in an Adult-Oriented Business.

It shall be unlawful for any Licensee, operator, or other person in charge of any Adult-Oriented Business to permit to enter, or remain within the Adult-Oriented Business, any person who is not at least eighteen (18) years of age or to provide any service for which this Chapter requires a license, to any person who is not at least eighteen (18) years of age. (Legislative History Ord. No. 06-012.)

11.02.620 Concealing Specified Sexual Activities and Specified Anatomical Areas from Public View.

No Adult-Oriented Business shall be operated in any manner that permits the observation of any material or activities depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times. (Legislative History Ord. No. 06-012.)

11.02.630 Posting Notices Relating to Minors.

No person under the age of eighteen (18) years shall be permitted within the Adult-Oriented Business any time. The building entrance to an Adult-Oriented Business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Community Development Director or his or her designee. (Legislative History Ord. No. 06-012.)

11.02.640 Indoor Areas Open to View by Management.

All indoor areas of the Adult-Oriented Business where patrons or members of the public are permitted, excluding rest rooms, shall be open to view by management at all times. (Legislative History Ord. No. 06-012.)

11.02.650 Security Guards.

Adult-Oriented Business shall employ security guards in order to maintain the public

peace and safety, based upon the following standards:

A. Adult-Oriented Businesses featuring live entertainment shall provide at least one (1) security guard at all times while the business is open. If the occupancy limit of the Adult-Oriented Business is greater than thirty-five (35) persons, an additional security guard shall be on duty.

B. Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public. All such uniforms shall be distinct from the uniforms worn by the Dixon Police Department. Persons acting as security guards shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this Section shall act as a door person, ticket seller, ticket taker, admittance person, entertainer or performer, or sole occupant of the manager's station while acting as a security guard. (Legislative History Ord. No. 06-012.)

11.02.660 Register and License Number of Employees.

Every Licensee of an Adult-Oriented Business that provides live entertainment depicting Specified Anatomical Areas or involving Specified Sexual Activities must maintain a register of all past and current persons so performing at the Adult-Oriented Business and their license numbers. Such register shall be available for inspection during regular business hours by any police officer of the City. (Legislative History Ord. No. 06-012.)

11.02.670 Inspection.

A. An applicant or Licensee shall permit representatives of the Police Department, Fire Department, Community Development Department, or other City departments or agencies (including without limitation the County Health Department) to inspect the premises of an Adult-Oriented Business for the purpose of ensuring compliance with the law, at any time the Adult-Oriented Business is occupied or open for business.

B. It is unlawful for a person who operates an Adult-Oriented Business or that person's agent or Employee to refuse to permit such lawful inspection of the Adult-Oriented Business at any time it is open for business. (Legislative History Ord. No. 06-012.)

11.02.680 Restroom Facilities.

The Adult-Oriented Business shall provide and maintain separate rest room facilities for male patrons and Employees, and for female patrons and Employees. Male patrons and Employees shall be prohibited from using the rest room(s) for females, except to carry out duties of repair, maintenance and cleaning of the rest room facilities, and vice-versa. The rest rooms shall be free from any Adult Material. Rest rooms shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment.

The foregoing requirements of this Section shall be deemed conditions of Adult-Oriented Business License approvals and failure to comply with every such requirement shall be grounds for revocation of the license. (Legislative History Ord. No. 06-012.)

11.02.690 Additional Regulations for Adult Arcade.

Any Adult-Oriented Business which is also an Adult Arcade shall comply with the following provisions:

A. The interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from a manager station of every area of the Adult-Oriented Business to which any patron is permitted access for any purpose, excluding restrooms. If the Adult-Oriented Business has two (2) or more manager stations designated, then the interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from at least one (1) of the manager stations of each area of the Adult-Oriented Business to which any patron is permitted access.

B. It shall be the duty to the Licensee to ensure that the view area required by paragraph (1) of this Section is at all times unobstructed by any doors, walls, merchandise, display racks, or other materials while the Adult-Oriented Business is open to patrons.

C. No viewing room or booth may be occupied by more than one (1) person at any time.

D. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two (2) such rooms such as would allow viewing from one (1) booth into another or such as to allow physical contact of any kind between the occupants of any two (2) such booths or rooms.

E. Customers, patrons, or visitors shall not be allowed to loiter in the vicinity of any such video booths, or remain in the common area of such Adult-Oriented Businesses, other than the restrooms, unless actively engaged in shopping for or reviewing the products available or on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

F. The floors, seats, walls, and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen, or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls. (Legislative History Ord. No. 06-012.)

11.02.691 Additional Regulations Relating to Live Entertainment.

The following additional requirements shall, pertain to Adult-Oriented Businesses providing live entertainment distinguished or characterized by the depiction, description,

showing or simulation of Specified Anatomical Areas or involving Specified Sexual Activities, except for business regulated by the California Department of Alcoholic Beverage Control.

A. No person shall perform live entertainment for patrons of an Adult-Oriented Business except upon a stage at least twenty-four (24) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this Section. Performer shall mean any person who is an Employee or independent contractor of the Adult-Oriented Business, or any person who, with or without compensation or other form of consideration, performs live entertainment for patrons of an Adult-Oriented Business.

B. The Adult-Oriented Business shall provide separate dressing room facilities for performers which are exclusively dedicated to the performers use.

C. The Adult-Oriented Business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons.

D. The Adult-Oriented Business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum three (3) foot wide aisle for performers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the performers capable of (and which actually results in) preventing any physical contact between patrons and performers.

E. No performers, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer either before, during or after performances by such performer. This paragraph shall only apply to physical contact anywhere on or within the premises of the Adult-Oriented Business, including off-street parking areas.

F. No patron shall directly pay or give any gratuity to any performer and no performer shall solicit or accept any pay or gratuity from any patron.

G. No owner or other person with managerial control over an Adult-Oriented Business shall permit any person on the premises of the Adult-Oriented Business to engage in a live showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This paragraph may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered. (Legislative History Ord. No. 06-012.)

11.02.692 Additional Regulations for Adult Motels.

A. Evidence that any sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10), hours creates a rebuttable presumption that the establishment is an Adult Motel.

B. It is unlawful for any when, as a person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an Adult-Oriented Business License, to rent or sub-rent a sleeping room to a person and, within ten (10) hours from the time the room is rented, rent or sub-rent the same sleeping room again.

C. For purposes of paragraphs A and B of this Section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration. (Legislative History Ord. No. 06-012.)

11.02.693 Additional Regulations Relating to the Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.

A. A person who operates or causes to be operated an Adult-Oriented Business, other than an Adult Motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts Specified Sexual Activities or Specified Anatomical Areas, shall comply with the following requirements:

1. Upon application for an Adult-Oriented Business License, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of premises to an accuracy of plus or minus six (6) inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was first prepared.
2. No alteration in the configuration or location of a manager's station may be made without the prior written approval of the Chief of Police.
3. It is the duty of the Licensee of the Adult-Oriented Business to ensure that

at least one licensed Employee is on duty and situated in each manager's station at all times that any patron is present inside the Adult-Oriented Business.

4. The interior of the Adult-Oriented Business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the Adult-Oriented Business to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video viewing equipment. If the Adult-Oriented Business has two (2) or more designated manager's stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the Adult-Oriented Business to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this Section must be by direct line of sight from the manager's station.
5. It shall be the duty of the Licensee to ensure that the view area specified in this Section remains unobstructed at all times by any doors, curtains, partitions, walls, merchandise, display racks or other materials.
6. It shall be the duty of the Licensee to ensure that no patron is permitted access to any area of the Adult-Oriented Business which has been designated as an area in which patrons will not be permitted pursuant to subparagraph (1) of this subsection.
7. No viewing room may be occupied by more than one (1) person at any time.
8. The Adult-Oriented Business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level.
9. It shall be the duty of the Licensee to ensure that the illumination required by this Section is maintained at all times that any patron is present in the premises.
10. No openings of any kind shall exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The Licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The Licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The Licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48) inches of the floor.

B. It is unlawful for a person having a duty under this Section to knowingly fail to fulfill that duty. (Legislative History Ord. No. 06-012.)

11.02.694 Additional Regulations for Nude Model Studios.

A. A Nude Model Studio shall not employ any person under the age of eighteen (18) years.

B. It is unlawful for a person under the age of eighteen (18) years to appear Semi-Nude or in a State of Nudity in or on the premises of a Nude Model Studio. It is a defense to prosecution under this Section if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.

C. It is unlawful for a person to appear in a State of Nudity, or knowingly allow another to appear in a State of Nudity in an area of a Nude Model Studio premises which can be viewed from the public right of way.

D. A Nude Model Studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Legislative History Ord. No. 06-012.)

11.02.695 Additional Regulations Concerning Public Nudity.

A. It is unlawful for a person knowingly and intentionally, in an Adult-Oriented Business, to appear in a State of Nudity or depict Specified Sexual Activities.

B. It is unlawful for a person knowingly or intentionally, in an Adult-Oriented Business, to appear in a Semi-Nude condition unless the person is an Employee who, while Semi-Nude, is upon a stage at least twenty-four inches (24) above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest areas occupied by patrons.

C. It is unlawful for an Employee or performer while Semi-Nude in an Adult-Oriented Business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any Employee.

D. It is unlawful for an Employee or performer, while Semi-Nude, to touch a patron or the clothing of a patron. (Legislative History Ord. No. 06-012.)

11.02.696 Hours of Operation.

A. The hours of operation for an Adult-Oriented Business shall not include the hours

of 2:00 a.m. to 8:00 a.m.

B. The provisions of this section shall not apply to an Adult Motel. (Legislative History Ord. No. 06-012.)

11.02.710 Separate Offense for Each Day.

Any person that violates any provision of this Chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof and, shall be punished accordingly. (Legislative History Ord. No. 06-012.)

11.02.720 Public Nuisance.

Any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be abated by the City. (Legislative History Ord. No. 06-012.)

11.02.730 Criminal Penalties.

Any person who violates, causes, or permits another person to violate any provision of this Chapter commits an infraction. Any person convicted of an infraction shall be subject to a fine to the maximum amount permitted by state law. Any person twice convicted of an infraction for repeat violations of the same provision within a one (1) year period, may be charged with a misdemeanor upon being issued a citation for the repeated violation of the same provision. Any person convicted of a misdemeanor shall be subject to punishment by fine or imprisonment to the maximum permitted by state law.

Pursuant to Government Code section 36900(a), the City Attorney may prosecute these violations in the name of the People of the State of California. (Legislative History Ord. No. 06-012.)

11.02.740 Civil Injunction.

The violation of any provision of this Chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of City, create a cause for injunctive relief. (Legislative History Ord. No. 06-012.)

11.02.750 Administrative Remedies.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Chapter may be subject to administrative remedies, as set forth in this Code. (Legislative History Ord. No. 06-012.)

11.02.760 Revocation of License.

In addition to the remedies set forth above, violation of the provisions of this Chapter constitutes grounds for the revocation of an Adult-Oriented Business License and/or Adult-Oriented Business Employee License. (Legislative History Ord. No. 06-012.)

11.02.810 Regulations Nonexclusive.

The provisions of this Chapter regulating Adult-Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City. (Legislative History Ord. No. 06-012.)

11.02.820 Time Limit for Filing Application for License.

All person who possess a valid business license heretofore issued for the operation of an Adult-Oriented Business and all person required by this Chapter to obtain an Adult-Oriented Business Employee License, must apply for and obtain such license within ninety (90) days of the effective date of this Chapter. Failure to do so and continued operation of an Adult-Oriented Business, or the continued employment of persons by or at Adult-Oriented Businesses after such time without a valid license shall be unlawful. (Legislative History Ord. No. 06-012.)

11.02.830 Time Limit for Judicial Challenge.

The time limits established by California Code of Civil Procedure section 1094.8 shall be applicable to any action or proceeding to review the issuance, revocation, suspension or denial of any license or permit required by this Chapter. (Legislative History Ord. No. 06-012.)

11.02.840 Severability.

If any section, subsection, subdivision, sentence, clause, or phrase in this Chapter or any chapter thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any chapter thereof. The City Council hereby declares that it would have passed each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. (Legislative History Ord. No. 06-012.)

Chapter 11.03 [Reserved]

Chapter 11.04 Social Host Accountability

Sections:

- 11.04.010 Legislative Purpose.**
- 11.04.020 Legislative Findings.**
- 11.04.030 Definitions.**
- 11.04.040 Prohibition of Gatherings Where Alcohol is Served to, Consumed by or in the Possession of Underage Persons.**
- 11.04.050 Enforcement By Administrative Citation.**
- 11.04.060 Cost Recovery Fee for Public Safety Services.**
- 11.04.070 Remedies Cumulative.**
- 11.04.080 Chapter Severable.**

11.04.010 Legislative Purpose.

The purposes of this chapter are:

- A. To protect the public health, safety and general welfare;
- B. To promote the reduction of underage drinking by imposing an administrative fine on persons responsible gatherings where alcohol is consumed by, served to or in the possession of underage persons;
- C. To facilitate the enforcement of laws prohibiting the service to, consumption of or possession of alcoholic beverages by underage persons;
- D. To promote the quiet enjoyment of residential and other property within the City. (Legislative History Ord. No. 09-027.)

11.04.020 Legislative Findings.

The City Council finds as follows:

- A. The City of Dixon, pursuant to the police powers delegated to it by the California Constitution, has the authority to enact laws that promote the public health, safety and general welfare of its residents;
- B. The occurrence of loud or unruly gatherings on private property where alcoholic beverages are served to, consumed by, or in the possession of underage persons is harmful to the underage persons themselves, violates state law, and is a public nuisance;
- C. The City of Dixon, has made numerous, continuous, and substantial efforts to enforce underage drinking laws. Despite these efforts, alcohol use by youth remains a serious problem in the City, contributing significantly to the incidence of adolescent

crime, addiction, sexual assault, truancy, driving under the influence of alcohol, and Motor vehicle accidents causing property damage and injury including death;

D. Underage persons often obtain alcoholic beverages at gatherings held at private residences or at rented residential and commercial premises that are under the control of a person who knows or should know of the service to, possession by, or consumption of alcohol by underage persons. Persons responsible for the occurrence of loud or unruly gatherings on private property over which they have possession or control have failed to ensure that alcoholic beverages are not served to, consumed by or possessed by underage persons at these gatherings, and such possession or consumption by underage persons in turn leads to an increase in the degree of loudness and unruliness of the gatherings;

E. Property owners or others in control of the venues where such gatherings occur have failed to prevent the occurrence or reoccurrence of loud or unruly gatherings, including those where alcoholic beverages are served to, consumed by or possessed by underage persons, on private property, which seriously disrupts neighboring residents' quiet enjoyment of their property;

F. Control of loud or unruly gatherings on private property where alcoholic beverages are served to, consumed by or in the possession of underage persons is necessary when such activity is determined to be a public nuisance;

G. Persons abetting or allowing loud or unruly gatherings where alcohol is served to, consumed by or .in the possession of underage persons will be More likely to properly supervise or to stop such conduct if they are held responsible for such gatherings held on property in their possession or under their control;

H. Law enforcement, fire and other emergency response services personnel have responded and are required to respond, sometimes on multiple occasions, to loud or unruly gatherings on private property at which alcoholic beverages are served to, consumed by or in the possession of underage persons, and responses to such gatherings result in a disproportionate expenditure of public safety resources of the City, which are underwritten by general municipal taxes paid to the City by its taxpayers and residents, and also result in a delay of responses to regular and emergency calls to the rest of the City;

I. Problems associated with loud or unruly gatherings at which alcoholic beverages are served to, consumed by or in the possession of underage persons are difficult to prevent or deter unless the City has the legal authority to issue an administrative citation resulting in an administrative fine;

J. Section 25658 of the State of California Business and Professions Code makes it unlawful for a person under the age of twenty-one (21) years to purchase or attempt to purchase, or consume alcoholic beverages and makes it unlawful for any person to sell any alcoholic beverage to any person under the age of twenty-one (21) years;

K. According to local, state and federal surveys, alcohol is overwhelmingly and consistently the most widely used drug at all adolescent age levels. A child who begins alcohol use prior to age fifteen (15) is four times as likely to experience alcohol dependence than one who refrains from alcohol use until age twenty (20) or older. (Legislative History Ord. No. 09-027.)

11.04.030 Definitions.

For the purpose of this article, the following definitions shall apply:

A. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

B. "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine or beer, and which contains one-half of one percent (0.5%) or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. "Juvenile" means any person less than eighteen (18) years of age.

D. "Loud or unruly gathering" means a party or gathering of three (3) or more persons at a residence or on other private property or rented public property upon which loud or unruly conduct occurs. Such loud or unruly conduct includes but is not limited to:

1. Excessive noise in violation of either State law or city ordinance;
2. Obstruction of public streets and/or the presence of unruly crowds that have extended or spilled into public streets;
3. Public drunkenness or unlawful public consumption of alcohol or alcoholic beverages;
4. Assaults, batteries, fights, domestic violence or other disturbances of the peace;
5. Vandalism;
6. Litter; or
7. Any other conduct which constitutes a threat to the public health, safety, or quiet enjoyment of residential property or the general welfare.

E. "Minor" or underage person means any person less than twenty-one (21) years of age.

F. "Person responsible for the event" means all of the following:

1. The person who owns, rents, leases or otherwise has control of the premises where the gathering occurs;
2. The person in charge of the premises;
3. The person who organized the event; or
4. The person who supervised the event.

G. "Cost Recovery Fee for Public Safety Services" means the costs associated with responses by law enforcement, fire and other emergency response providers to loud or unruly gatherings, including but not limited to:

1. the portion of the cost of salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with the loud or unruly gathering(s), and the administrative costs attributable to such response(s);
2. the cost of any medical treatment to or for any law enforcement, fire or other emergency response personnel injured responding to, remaining at or leaving the scene of a loud or unruly gathering; and
3. the cost of the use of any City equipment or property, and the cost of repairing any City equipment or property damaged, in responding to, remaining at or leaving the scene of a loud or unruly gathering.

(Legislative History Ord. No. 09-027.)

11.04.040 Prohibition of Loud or Unruly Gatherings Where Alcohol Is Served to, Consumed by or in the Possession of Underage Persons.

It is unlawful for any person to knowingly suffer, permit, or host a gathering at his or her place of residence or other private or public property, place or premises under his or her control where two (2) or more persons under the age of 21 are present, where the gathering is loud or unruly, and where alcoholic beverages are in the possession of, being consumed by, or served to any underage person. Violation of this section may be charged as either a misdemeanor or an infraction at the discretion of the prosecuting attorney. (Legislative History Ord. No. 09-027.)

11.04.050 Enforcement by Administrative Citation.

A. The public safety officer may issue an administrative citation for a violation of section 11.04.040 pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01) of this code. The procedures in Part 6 of Chapter 9.01 shall be followed, provided that:

1. A first violation of section 11.04.040 shall result in an administrative citation with a \$100.00 fine. A second violation within twelve months of the first violation shall result in an administrative citation with a \$200.00 fine. A third or subsequent violation within twelve months of the first violation shall result in an administrative citation with a \$500.00 fine for each such violation. These administrative fines exceed those previously established pursuant to Dixon Municipal Code Section 9.01.630, and would be established in lieu of those fines for a violation of this ordinance.
2. In the event that the responsible person who is in violation of section 11.04.040 is a juvenile, then the juvenile and the parents or guardians of that juvenile will be jointly and severally liable for any fine imposed.

These fine violations are to reference Dixon Municipal Code Section 9.01.630 and are in lieu of the fines in that schedule. (Legislative History Ord. No. 09-027.)

11.04.060 Cost Recovery Fee for Public Safety Services.

A. In addition to any fine imposed on the person(s) responsible for the event for a violation of section 11.04.040, the person(s) responsible for the event will be liable for the cost of providing public safety services for any second or follow-up response by - public safety personnel, provided that a warning to the person(s) responsible for the event to abate the nuisance shall have been given during the first response and that a second or follow-up response on the same date or on any later date will result in liability for the cost of providing public safety services.

B. The amount of the cost recovery fee for public safety services under this section shall be calculated pursuant to Section 11.04.030G.

C. In any action brought to recover the cost recovery fee for public safety services the City shall be entitled to recover its attorney's fees as costs. (Legislative History Ord. No. 09-027.)

11.040.070 Remedies Cumulative.

The remedies, fines, penalties and fees provided for under this chapter cumulative, and shall not restrict the City from any other remedy to which it is entitled under law or equity. Nothing in this chapter shall be deemed to preclude the imposition of any criminal penalty under state law or this code, nor shall anything in this chapter be deemed to conflict with any penalty or provision under state law, or to prohibit any conduct authorized by the state or federal constitution. This chapter shall not be interpreted in any manner that conflicts with the laws or constitutions of the United States or California.

Nothing in this chapter shall be construed as a waiver by the City of any right to seek reimbursement for actual response costs incurred through other legal remedies or procedures. (Legislative History Ord. No. 09-027.)

11.040.80 Chapter Severable.

If any section, subsection, sentence, clause, portion, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Chapter would be subsequently declared invalid or unconstitutional. (Legislative History Ord. No. 09-027.)

Chapter 11.05 [Reserved]

Chapter 11.06 Bingo

Article 1 General Provisions

Sections:

16.06.010 Definitions

Article 2 Bingo Games for Charity

- 11.06.210 License required.**
- 11.06.220 Application for licenses, required contents, form.**
- 11.06.230 Application for license; Fees; Investigations.**
- 11.06.240 Issuance or denial of licenses; non-transferability; conditions.**
- 11.06.250 Suspension or revocation of licenses; hearings; appeals; notices.**
- 11.06.260 Records, right of inspection.**
- 11.06.270 Conduct of bingo games.**
- 11.06.280 Violation; public nuisance.**

Article 3 Remote Caller Bingo Games

- 11.06.310 Authorized.**
- 11.06.320 Qualified organizations.**
- 11.06.330 License application and fee.**
- 11.06.340 License application verification.**
- 11.06.350 Annual licenses.**
- 11.06.360 License conditions and conduct of remote caller bingo games.**
- 11.06.370 Suspension, revocation and appeal of remote caller bingo license.**

11.06.010 Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

A. “Bingo Game” or “Bingo” means a game of chance in which prizes are awarded on the basis of designated numbers of symbols on a card which conform to numbers or symbols selected at random.

B. “License” means that license as required by this Chapter.

C. “Organization” means a mobile home park association, senior citizens organization, or any group, association or corporation exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 237011, or 23701w of the Revenue and Taxation Code.

D. “Remote Caller Bingo Game” shall have the definition ascribed to it in Section 326.3(u)(1) of the Penal Code. (Legislative History Ord. No. 10-005.)

Article 2 Bingo Games for Charity.

11.06.210 License required.

No bingo game shall be allowed unless the proceeds of such games are used only for charitable purposes and a license is first obtained from the City. Licenses shall be effective only for a calendar year or part thereof in which issued. (Legislative History Ord. No. 10-005.)

11.06.220 Application for licenses, required contents, form.

A. An application for a bingo license shall be filed in the office of the Chief of Police; shall be signed and verified by the applicant, and shall set forth the following information:

1. The name and address of the organization to which the license will be issued.
2. The name, address and telephone number of the applicant, who shall be a duly authorized representative of the applying organization.
3. The name, address and telephone number of the president or chief officer of the applying organization.
4. The name, address and telephone number of the person who has custody of the financial records of bingo games which records are required by the provisions of this Chapter.
5. The location where such bingo game is intended to be held.
6. The specific dates upon which bingo games are to be conducted and the hours thereof.

7. A schedule of fees or charges to be collected from players for each bingo game, or for different varieties of bingo games to be conducted, and of the dollar amount or value of the prizes to be awarded for each separate game.

B. Each such application shall be accompanied by a written resolution of the governing board or body of the organization, signed by the president or chief officer of said organization, authorizing the application for a bingo license and stating the

authorization for said organization to conduct bingo games. (Legislative History Ord. No. 10-005.)

11.06.230 Application for license; Fees; Investigations.

A. All applications for bingo licenses or renewals of bingo licenses shall be accompanied by a non-refundable fee of Fifty Dollars (\$50.00).

B. The Chief of Police shall verify that the organization applying is authorized to conduct bingo games as set forth in this Chapter and shall verify that the place where bingo games will be conducted is owned or leased by it, or donated to it, and that said property is used by such organization for an office or for performance of the purposes for which the organization is organized.

C. The Chief of Police shall also verify that:

1. The conduct of such bingo games at the times and at the place indicated will not disturb the peace of the neighborhood and will not create substantial traffic or parking problems; and
2. Neither the applying organization, nor any person listed in the application, has violated any laws or regulations of the City regarding building, fire, health or safety, and that the applicant has not knowingly and with intent to deceive made any false, misleading, or fraudulent statement of facts in the application or in any of the documents required in conjunction with the application.

(Legislative History Ord. No. 10-005.)

11.06.240 Issuance or denial of licenses; non-transferability; conditions.

A. Licenses shall be granted only to authorized organizations as defined in this Chapter.

B. The Chief of Police shall not issue a license to any applicant if he or she cannot certify any one of the findings required by this Chapter to be made, or if it appears from the application that the conduct of such games would be in violation of any of the terms,

conditions and requirements of this Chapter.

C. No license issued pursuant to this Chapter shall be transferable.

D. The Chief of Police may, at his sole discretion, condition the issuance of a license upon a requirement that the applicant provide such security measures as the Chief of Police deems necessary to ensure the public safety at all bingo games held pursuant to the license. Failure to comply with any such condition shall be a violation of this Chapter and grounds for suspension or revocation of the license. (Legislative History Ord. No. 10-005.)

11.06.250 Suspension or revocation of licenses; hearings; appeals; notices.

A. Licenses to conduct bingo games shall be suspended by the Chief of Police for a period up to thirty (30) days if the licensee has violated any of the provisions of this Chapter, Prior to such suspension, the licensee shall be given notice and the opportunity to be heard.

1. Such hearings shall be before the Chief of Police, and a notice containing the grounds set forth for the proposed suspension shall be given at least five (5) days prior to such hearing.
2. Any person may appeal, in writing, the ruling of the Chief of Police to the City Council, within ten (10) days after said ruling has been rendered.
3. Upon the mailing of the notice of suspension, the licensee organization shall not conduct any bingo games for the duration of the suspension or until such time as the City Council acts favorably on the appeal.

B. If the Chief of Police, in his discretion, determines that revocation is warranted, he shall request the City Council to revoke said license.

1. The City Council shall thereupon set a public hearing to consider the revocation, and shall cause notice to be issued to the licensee of such hearing at least ten (10) days prior to the hearing.
2. The City Council may revoke any bingo license upon a finding that any provision of this Chapter has been violated.
3. No organization whose license has been revoked may reapply for a bingo license within one (1) year of such revocation. (Legislative History Ord.

No. 10-005.)

11.06.260 Records, right of inspection.

A. Licensees shall keep and maintain full records and accounting and shall detail the amount of money obtained from players, the amount of money or value of prizes

given for each game played, and the disposition of any funds generated by the conduct of bingo games.

B. The City shall have the right to inspect and audit such records at any reasonable time, and shall conduct such an audit at least bi-annually. In addition, the Chief of Police may request said records when the licensee applies to renew its annual license. Any audit conducted pursuant to this section shall be at the sole cost of the licensee. (Legislative History Ord. No. 10-005.)

11.06.270 Conduct of bingo games.

A. No person shall receive or pay a profit, wage or salary from any bingo game.

B. No minors (under the age of 18 years old) shall be allowed to participate in any bingo game.

C. A licensee shall conduct bingo games only on property owned or leased by it, or property where use of the property is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this Chapter shall be construed to require that the property owned or leased by the organization be used exclusively by such organization.

D. All bingo games shall be open to the public and shall not be limited to just the members of the organization.

E. A bingo game shall be operated, staffed, promoted, conducted and supervised only by members of the licensee organization and such members shall receive no profit, wage or salary from any such bingo game. This subdivision does not preclude the employment of security personnel, who are not members, at such bingo games.

F. No individual, corporation, partnership, or other legal entity except the licensee organization shall hold a financial interest in the conduct of any bingo game.

G. With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes. With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds shall be used only for charitable purposes, except as follows:

1. Such proceeds may be used for prizes.
2. A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or one thousand dollars (\$1,000.00) per month, whichever is less, may be used for the rental of property,

overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.

3. Such proceeds may be used to pay license fees.

H. No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted.

I. The total value of prizes awarded during the conduct of any bingo game shall not exceed Two Hundred Fifty Dollars (\$250.00) in cash or kind, or both, for each separate game which is held.

J. Remote caller bingo games are prohibited unless they are conducted by an organization that has been granted a remote caller bingo license pursuant to Article 3. (Legislative History Ord. No. 10-005.)

11.06.280 Violation; public nuisance.

A. A violation of any of the provisions of this Chapter is a misdemeanor.

B. In addition to the criminal penalties provided by this Chapter, violation of any provision of this Chapter is a public nuisance which may be abated by the City. The City may bring an action to enjoin any violation of this Chapter. (Legislative History Ord. No. 10-005.)

11.06.310 Authorized.

Remote caller bingo may be lawfully played in the City pursuant to the provisions of Sections 326.3 and 326.4 of the California Penal Code, and this Article, and not otherwise. Any organization wishing to conduct remote caller bingo games shall, in addition to the bingo license required by Article 2, be required to obtain a remote caller bingo license. (Legislative History Ord. No. 10-005.)

11.06.320 Qualified organizations.

An organization shall be permitted to obtain a remote caller bingo license pursuant to this Article if:

A. The organization has been incorporated or in existence for three years or more;

B. The organization possesses a valid license pursuant to Article 2 of this Chapter; and

C. The operation of bingo games is not the primary purpose for which the organization is organized. (Legislative History Ord. No. 10-005.)

11.06.330 License application and fee.

An application for a license to conduct remote caller bingo games shall be in a form prescribed by the Chief of Police and shall be accompanied by a non-refundable fee of Fifty Dollars (\$50). However, if an organization applies for both the license required by Article 2 of this Chapter and for a remote caller bingo license at the same time, the total non-refundable fee for the applications shall be Fifty Dollars (\$50). To the extent possible, the Chief of Police shall integrate the process for obtaining a license under this Article with the process for obtaining the license in Article 2 of this Chapter. The following documentation shall be attached to the application, as applicable:

- A. A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the Bank and Corporation Tax, pursuant to Section 23701d of the Revenue and Taxation Code.
- B. Other evidence as the Chief of Police determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the county. (Legislative History Ord. No. 10-005.)

11.06.340 License application verification.

The license shall not be issued until the Chief of Police has verified the facts stated in the application and determined that the applicant is qualified. (Legislative History Ord. No. 10-005.)

11.06.350 Annual licenses.

A license issued pursuant to this Article shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer remote caller bingo for play. The City Council expressly reserves the right to amend or repeal this Article at any time. If this Article is repealed, all licenses issued pursuant to this Article shall cease to be effective for any purpose on the effective date of the repeal. (Legislative History Ord. No. 10-005.)

11.06.360 License conditions and conduct of remote caller bingo games.

- A. Any license issued pursuant to this Article shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code, and each licensee shall comply with all the requirements of those provisions.
- B. Any license issued pursuant to this Article shall also be subject to all of the provisions of Article 2, subject to the following exceptions:
 - 1. Sections 11.06.210, 11.06.270.A, 11.06.270.E, 11.06.270.F and 11.06.270.G shall not be construed to prohibit any organization conducting

remote caller bingo games from retaining the services of administrative, managerial, technical, financial, and security personnel in a manner consistent with the provisions contained in Sections 326.3 and 326.4 of the Penal Code.

2. Section 11.06.270.0 shall not be construed to prohibit a licensee from entering into an agreement with other organizations, as that term is defined in Section 11.06.010.C, to cosponsor a remote caller bingo game in a manner consistent with the provisions contained in Sections 326.3 and 326.4 of the Penal Code.
3. Section 11.06.270.1 shall not apply to remote caller bingo games conducted in compliance with Sections 326.3 and 326.4 of the Penal Code.

C. Each license issued pursuant to this Article shall be subject to the following additional conditions:

1. Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.
2. The licensed organization is responsible for ensuring that the conditions of this Chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any of those conditions or provisions shall constitute cause for the revocation of the organization's license.
3. The proceeds of remote caller bingo games shall be used only for charitable purposes.

D. The Chief of Police may, at his sole discretion, condition the issuance of a license upon a requirement that the applicant provide such security measures as the Chief of Police deems necessary to ensure the public safety at all bingo games held pursuant to the license. Failure to comply with any such condition shall be a violation of this Chapter and grounds for suspension or revocation of the license. (Legislative History Ord. No. 10-005.)

11.06.370 Suspension, revocation and appeal of remote caller bingo license.

Suspensions, and revocations of remote caller bingo licenses, and their appeals, shall be governed by the procedures for suspension, revocation and appeal contained in Article 2 of this Chapter. (Legislative History Ord. No. 10-005.)

**Title 12
VEHICLES AND TRAFFIC**

Chapter 12.01 General

Sections:

12.01.010	Short Title.
12.01.020	Authority.
12.01.030	Official Time Standard.
12.01.040	Exception for State Highway 113.
12.01.050	[Reserved]
12.01.060	[Reserved]
12.01.070	[Reserved]
12.01.080	[Reserved]
12.01.090	[Reserved]
12.01.100	Definitions Generally.
12.01.110	Arterial Street.
12.01.120	Bikeway.
12.01.130	Camp Car.
12.01.140	Camper Shell.
12.01.150	Central Business District.
12.01.160	City.
12.01.170	City Council.
12.01.180	Driveway.
12.01.190	Gross Weight.
12.01.200	Holidays.
12.01.210	Loading Zone.
12.01.220	Motor Home.
12.01.230	Multi-Use Vehicle.
12.01.240	Parkway.
12.01.250	Passenger Loading Zone.
12.01.260	Pedestrian Safety Zone.
12.01.270	Public Safety Officer.
12.01.280	Public Storage.
12.01.290	Recreational Vehicle.
12.01.300	Restricted Parking.
12.01.310	Stand or Standing.
12.01.320	Transportation Advisory Commission.
12.01.330	Traffic Engineer.
12.01.340	Traffic Regulations.
12.01.350	Truck.
12.01.360	Truck Route.
12.01.370	Vehicle Code.

12.01.010 Short Title.

This Title may be cited or referred to as "The City of Dixon Traffic Ordinance." (Legislative History Ord. No. 05-010.)

12.01.020 Authority.

This Title is adopted pursuant to those provisions of the Vehicle Code authorizing local jurisdictions to regulate traffic. If any provision herein is deemed to be in conflict with the Vehicle Code, the provisions of the Vehicle Code shall prevail. (Legislative History Ord. No. 05-010.)

12.01.030 Official Time Standard.

Whenever certain hours are specified in this Title, they shall refer to Pacific Standard Time or Pacific Daylight Savings Time as may be in current use in the City. (Legislative History Ord. No. 05-010.)

12.01.040 Exception for State Highway 113.

Except as otherwise stated, the provisions contained in this Title shall not apply to State Highway 113, unless consent to enforce such regulations or provisions has been granted pursuant to applicable provisions of the Vehicle Code by the California Department of Transportation. (Legislative History Ord. No. 05-010.)

12.01.050 [Reserved]

12.01.060 [Reserved]

12.01.070 [Reserved]

12.01.080 [Reserved]

12.01.090 [Reserved]

12.01.100 Definitions Generally.

The words and phrases defined in Chapter 1 of this Title, when used in this Title, shall have the meanings ascribed to them in this Chapter, except when the context otherwise requires. Any words and phrases not defined in this Chapter shall have the meaning ascribed to them in the Vehicle Code and amendments thereto. Words not defined either in this Chapter or the Vehicle Code shall be given their common meaning. (Legislative History Ord. No. 05-010.)

12.01.110 Arterial Street.

"**Arterial street**" means any federal or state numbered route or controlled access

highway, or any other major street or highway designated by the City Council as part of a major arterial system of streets or highways. (Legislative History Ord. No. 05-010.)

12.01.120 Bikeway.

"**Bikeway**" means every way, including highways, which is publicly maintained and which is in some manner specifically designated as open to public bicycle travel, regardless of whether the way is designated for exclusive use of bicycles or is to be shared with other transportation modes. (Legislative History Ord. No. 05-010.)

12.01.130 Camp Car.

"**Camp car**" means a vehicle with or without motive power which is designed or used for human habitation and which may contain plumbing, refrigeration, cooking, heating or electrical equipment, but does not include an installed "mobile home" or "manufactured home" as set forth in Government Code sections 65852.3 and 65852.7. (Legislative History Ord. No. 05-010.)

12.01.140 Camper Shell.

"**Camper shell**" means a structure designed to be mounted upon a vehicle that provides shelter from the elements but does not contain plumbing, refrigeration, cooking, heating, electrical equipment or other facilities for human habitation. (Legislative History Ord. No. 05-010.)

12.01.150 Central Business District.

"**Central Business District**" means all streets and portions of streets within the area defined as Mayes Street from South Jackson Street to South Second Street; A Street from the UPRR (railroad tracks) to South Second Street; B Street from North Jackson Street to North Second Street; Jackson Street from West Mayes Street to West B Street; First Street from Mayes Street to UPRR (railroad tracks); and Second Street from East Mayes Street to East B Street.

This definition may vary from similar districts defined in the City's general plan, zoning ordinance, or elsewhere. (Legislative History Ord. No. 05-010.)

12.01.160 City.

"**City**" means the City of Dixon. (Legislative History Ord. No. 05-010.)

12.01.170 City Council.

"**City Council**" means the Council of the City of Dixon. (Legislative History Ord. No. 05-010.)

12.01.180 Driveway.

"**Driveway**" means an established paved path leading from a garage or parking facility on a lot to a street or alleyway, and used primarily for the ingress or egress of vehicles. (Legislative History Ord. No. 05-010.)

12.01.190 Gross Weight.

"**Gross weight**" means the unladen weight of a vehicle plus the weight of any load on the vehicle. (Legislative History Ord. No. 05-010.)

12.01.200 Holidays.

"**Holidays**" means all the days established as legal holidays by the State of California. (Legislative History Ord. No. 05-010.)

12.01.210 Loading Zone.

"**Loading zone**" means the space adjacent to a curb reserved for the exclusive use of vehicles during loading and unloading of passengers or materials, and plainly marked by signs or painting on the street or the side of a building. (Legislative History Ord. No. 05-010.)

12.01.220 Motor Home.

"**Motor home**" means a self-contained vehicle designed for human habitation, with its own motive power, and with a passageway from the body of the home to the driver's front passenger seat. (Legislative History Ord. No. 05-010.)

12.01.230 Multi-Use Vehicle.

"**Mufti-use vehicle**" means a four-wheel drive vehicle, pickup truck, motor home or van, twenty-three (23) feet or less in length. (Legislative History Ord. No. 05-010.)

12.01.240 Parkway.

"**Parkway**" means the portion of the street right-of-way other than the roadway (the vehicle travel way, curb, gutter or sidewalks). (Legislative History Ord. No. 05-010.)

12.01.250 Passenger Loading Zone.

"**Passenger Loading Zone**" means the space adjacent to a curb reserved for the exclusive use of vehicles for the loading or unloading of passengers. (Legislative History Ord. No. 05-010.)

12.01.260 Pedestrian Safety Zone.

"**Pedestrian Safety Zone**" means the area or space lawfully set apart within a street as a safety zone for the exclusive use of pedestrians and which is protected from vehicular traffic, or which is marked or indicated by pavement markings, vertical signs, raised markers or raised buttons, in order to make such area or space plainly visible. (Legislative History Ord. No. 05-010.)

12.01.270 Public Safety Officer.

"**Public safety officer**" means one of the personnel of the Police Department or Fire Department of the City who are authorized to direct or regulate traffic or enforce traffic regulations. (Legislative History Ord. No. 05-010.)

12.01.280 Public Storage.

"**Public storage**" means a privately owned facility, containing designated parking areas for the secure outdoor and indoor storage of vehicles (including boats). (Legislative History Ord. No. 05-010.)

12.01.290 Recreational Vehicle.

"**Recreational vehicle**" means any vehicle or trailer designed or modified for use as a camp car, camper, motor home, house car, trailer coach, boat, boat trailer, snowmobile, trailer, camp trailer, vehicle with a camper shell, multi-use vehicle or any similar purpose. (Legislative History Ord. No. 05-010.)

12.01.300 Restricted Parking.

"**Restricted parking**" means a prohibition of, or limitation of parking on public streets and portions of streets. (Legislative History Ord. No. 05-010.)

12.01.310 Stand or Standing.

"**Stand**" or "**standing**" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actively engaged in receiving or discharging passengers. (Legislative History Ord. No. 05-010.)

12.01.320 Transportation Advisory Commission.

"**Transportation Advisory Commission**" means that Commission established in Chapter 2.05 of Title 2 of the Dixon Municipal Code or such successor Commission that may be established by the City to act as an advisory body to the City Council in all matters relating to traffic, transportation, and transit. (Legislative History Ord. No. 05-010.)

12.01.330 Traffic Engineer.

"Traffic Engineer" means the City Engineer or the City Engineer's authorized representative. (Legislative History Ord. No. 05-010.)

12.01.340 Traffic Regulations.

"Traffic regulations" means any ordinances or resolutions of the City Council passed for the purpose of regulating or controlling any vehicular, bicycle or pedestrian traffic. (Legislative History Ord. No. 05-010.)

12.01.350 Truck.

"Truck" means any vehicle the gross vehicle weight rating of which exceeds five (5) tons. (Legislative History Ord. No. 05-010.)

12.01.360 Truck Route.

"Truck route" means any street designated for the unrestricted use of trucks. (Legislative History Ord. No. 05-010.)

12.01.370 Vehicle Code.

"Vehicle Code" means the current version of the California Vehicle Code including any amendments thereto. (Legislative History Ord. No. 05-010.)

Chapter 12.02 Administration and Enforcement

Sections:

- 12.02.010 Administration.**
- 12.02.020 City Council Determinations.**
- 12.02.030 Duties of the Enforcement Authority.**
- 12.02.040 Authority to Direct Traffic.**
- 12.02.050 Duties of the Traffic Engineer.**
- 12.02.060 Authority of the Traffic Engineer.**

12.02.010 Administration.

The Traffic Engineer shall have the authority and responsibility for administering this Title. (Legislative History Ord. No. 05-010.)

12.02.020 City Council Determination.

- A. The City Council shall determine the following by resolution:
 - 1. Placement of official traffic control devices;

2. Any modifications of the boundaries of the Central Business District;
3. Designation of one-way streets;
4. Truck routes and weight limits;
5. Speed limits on City streets;
6. Hazardous material routes, subject to any law or regulation of the State or of the United States;
7. Crosswalk and Pedestrian Safety Zone locations;
8. Stops and stands for buses, taxis and other passenger common-carriers;
9. Limitations on stopping, standing and parking of vehicles;
10. Kinds and classes of traffic and the maximum size and weight of vehicles permitted on any street or portion of a street.

B. Prior to any action pursuant to section 15.02.020 A, the City Council may, but is not required to, consider the advice of the Traffic Engineer or the Transportation Advisory Commission. (Legislative History Ord. No. 05-010.)

12.02.030 Duties of the Enforcement Authority.

The Police Department is authorized to enforce all traffic regulations of the City and the Vehicle Code, make arrests or issue citations for traffic violations or infractions, and investigate traffic accidents. (Legislative History Ord. No. 05-010.)

12.02.040 Authority to Direct Traffic.

Personnel of the Police Department, Fire Department and other persons designated by the Police Chief are authorized to direct all traffic by voice, hand signals or with other devices during: a fire, other emergency situation, such times as necessary to expedite traffic or such times to safeguard pedestrians. Such persons may direct traffic as such conditions require notwithstanding the provisions of any other local traffic laws in compliance with Vehicle Code section 21100(e). (Legislative History Ord. No. 05-010.)

12.02.050 Duties of the Traffic Engineer.

The Traffic Engineer shall determine the necessity for, and provide for the maintenance of, official traffic control devices; conduct engineering investigations of traffic conditions; plan the operation of traffic on the streets of the City; conduct speed surveys; cooperate with other City officials in the development of ways and means to improve traffic conditions; and shall exercise those additional duties imposed by ordinances and

resolutions of the City. (Legislative History Ord. No. 05-010.)

12.02.060 Authority of the Traffic Engineer.

A. The Traffic Engineer shall place and maintain official traffic control devices when and as required under the traffic regulations of the City or the Vehicle Code. All traffic control signs, signals and devices shall conform to the manual and specifications approved by the California Department of Transportation, unless otherwise allowed by the Vehicle Code and approved by the City Council.

B. The Traffic Engineer has the authority to test traffic control devices under actual conditions of traffic, subject to laws and regulations of the State or of the United States. (Legislative History Ord. No. 05-010.)

Chapter 12.03 General Traffic Provisions

Sections:

- 12.03.010 Vehicles Propelled by Human or Animal Power.**
- 12.03.020 When Official Traffic Control Devices Required.**
- 12.03.030 Official Traffic Control Devices – Presumption of Legality.**
- 12.03.040 Prohibition Against Bypass to Avoid Official Traffic Control Devices.**

12.03.010 Vehicles Propelled by Human or Animal Power.

A. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and duties applicable to the driver of a vehicle described by this Title, except those provisions of this Title which by their nature can have no application.

B. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall have all of the rights and duties applicable to the driver of a vehicle described by this Title, except those provisions of this Title which by their nature can have no application. (Legislative History Ord. No. 05-010.)

12.03.020 When Official Traffic Control Devices Required.

A. No provision of this Title for which official traffic control devices are required shall be enforced if at the time and place of the alleged violation an official traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

B. No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this Title shall be effective unless official traffic control devices giving notice of such prohibition, regulation or limitation are erected and in place at the time of any alleged offense. (Legislative History Ord. No. 05-010.)

12.03.030 Official Traffic Control Devices – Presumption of Legality.

Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been placed by the official act or direction of lawful authority, and shall be presumed to comply with the requirements of this Title, unless the contrary is established by competent evidence. (Legislative History Ord. No. 05-010.)

12.03.040 Prohibition Against Bypass to Avoid Official Traffic Control Devices.

No person shall operate a motor vehicle so as to bypass any official traffic control device by traversing private or public property to avoid compliance with such device. However, a person shall not be deemed to be in violation of this section, if they cross private property with the express permission of the property owner and are in possession of proof of such permission from the property owner at the time they traverse private property. Such person shall present such proof when requested by a public safety officer. (Legislative History Ord. No. 05-010.)

Chapter 12.04 Rules for Stopping, Standing and Parking

Sections:

- 12.04.010 State Provisions Controlling.**
- 12.04.020 Zone Marking, Sign and Curb Painting Conformance.**
- 12.04.030 Curb Markings Designated.**
- 12.04.040 Prohibited or Limited Parking Areas.**
- 12.04.050 Special Parking Permit for Commercial Vehicles or Construction Equipment.**
- 12.04.060 Bicycle/Motorcycle Parking Zones.**
- 12.04.070 Standing or Parking in Excess of 72 Hours.**
- 12.04.080 On-Street Parking – Sight Distance.**
- 12.04.090 Disabled Person Parking.**
- 12.04.100 Disabled Person Parking in Municipal Parking Lots.**

12.04.010 State Provisions Controlling.

The provisions of this Title imposing a time limit on standing or parking of vehicles shall not release any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of the City. (Legislative History Ord. No. 05-010.)

12.04.020 Zone Marking, Sign and Curb Painting Conformance.

Every vehicle parked on streets and portions of streets shall be parked in accordance with applicable traffic control devices, including all zones marked, signs posted and curbs painted or marked. (Legislative History Ord. No. 05-010.)

12.04.030 Curb Markings Designated.

Curb markings shall have the following meanings:

- A. Red means no stopping, standing or parking at any time except as permitted by the Vehicle Code. Provided, that a bus may stop in a red zone which has been marked or signed as a bus loading zone.
- B. Yellow means no stopping, standing or parking at any time between eight (8:00) a.m. and ten (10:00) p.m., unless otherwise posted by signs, pavement or curb markings, for any reason other than the loading of passengers or materials. Provided, that the loading and unloading of materials shall take no more than twenty (20) minutes.
- C. White means no stopping, standing or parking at any time of any day for any purpose other than the loading or unloading of passengers. Provided that such loading or unloading shall not exceed three (3) minutes, except that licensed taxicabs may park or stand in a designated taxi stand longer than three (3) minutes.
- D. Green means no stopping, standing or parking for more than time specified on signs posted in the particular green zone.
- E. Blue means no parking, standing or stopping other than by vehicles which display a distinguishing license plate or placard issued pursuant to Vehicle Code sections 9105, 22511.5, and 22511.59. (Legislative History Ord. No. 05-010.)

12.04.040 Prohibited or Limited Parking Areas.

In addition to the prohibitions contained in Vehicle Code section 22500 et seq., except as otherwise stated in this Title, a person shall not stop, stand or park a vehicle:

- A. In a bus stop zone, except a passenger bus;
- B. On any street, alley or parkway for the principle purpose of washing, greasing or repairing such vehicle, except when repairs are necessitated by emergency.
- C. On any off-street public property unless a traffic control device indicates that such action is permitted, and then only in accordance with direction of such traffic control device;
- D. In any red zone. A bus engaged as a common carrier may stop in a red zone if there is a sign posted marking the red zone as a bus loading zone;
- E. In any marked loading zone, except for the purpose of loading or unloading passengers or materials;
- F. In any alley except while in the process of actively loading or unloading persons or materials in the alley as long as such process does not exceed the posted time

limits or any time limits specified by resolution;

G. In any limited-time parking space in excess of the number of minutes legally permitted;

H. In such a manner that any part thereof extends outside of or beyond the designated parking space;

I. In any space where parking is restricted to certain kinds of vehicles, such as "official city vehicles" or "police vehicles only";

J. In any pedestrian crosswalk whether marked or unmarked;

K. Into any traffic lane or which obstructs traffic;

L. On any sidewalk, or in front of any driveway;

M. On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway;

N. Within five feet on either side of that portion of a curb which has been cut down, lowered or constructed to provide wheelchair accessibility to the sidewalk;

O. On certain streets or portions thereof during all or certain hours of the day if in violation of signs or markings;

P. In any preferential or restricted parking zone which requires a permit, if a valid and appropriate permit is not displayed, or while displaying an appropriate permit which has been tampered with, has been reported as lost or stolen, or if the permit is displayed in a vehicle which is not authorized to use such permit; or

Q. Within an, intersection or along the curved portion of the curb or roadway edge of any corner of an inter-section. (Legislative History Ord. No. 05-010.)

12.04.050 Special Parking Permit for Commercial Vehicles or Construction Equipment.

A Special Parking Permit, issued by the City Engineering Department must be obtained prior to:

A. Parking a commercial vehicle for construction work in a limited or prohibited parking area. Such permit may be granted only after the applicant presents a valid business license and building or encroachment permit;

B. Parking any commercial vehicle having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more on any street in any district zoned residential. This requirement shall not apply to any commercial vehicle making pickups

or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained;

C. Parking any equipment used for construction or construction equipment of any type on any City street, parking lot or property. (Legislative History Ord. No. 05-010.)

12.04.060 Bicycle/Motorcycle Parking Zones.

The City Council may designate a zone for the exclusive parking of bicycles and motorcycles. When such a zone is established, the Traffic Engineer shall cause appropriate signs and/or markings to be placed. (Legislative History Ord. No. 05-010.)

12.04.070 Standing or Parking in Excess of 72 Hours.

A. No person who owns or has possession, custody or control of any vehicle, including but not limited to any boat, trailer or recreational vehicle, shall park or leave such vehicle standing upon any City street or alley for more than seventy-two (72) consecutive hours. For purposes of this section, a vehicle shall be considered to have been parked or left standing for seventy-two (72) or more consecutive hours if it has remained inoperable or has not been moved at least one (1) mile during said period. Obstruction of the odometer of a vehicle shall give rise to a presumption that the vehicle has not been moved as required by this section and the odometer reading shall be presumptively correct.

B. In the event a vehicle, is left parked or standing upon a City street or alley in violation of this section, it may be removed or towed, provided that a warning notice has been placed on the windshield or other conspicuous place on the vehicle (if it, has no windshield) advising that such removal or towing will occur without any further notice or warning seventy-two (72) hours after the posting of the notice. Any member of the Police Department authorized by the Police Chief may remove the vehicle from the street in the manner and subject to the requirements of the Vehicle Code or issue a citation in lieu of towing removal.

C. A recreational vehicle as defined in section 12.01.290 shall not be re-parked or returned to any location within one-half (1/2) mile of the location where such recreational vehicle was first parked sooner than seventy-two (72) hours following the time that the recreational vehicle was first moved. (Legislative History Ord. No. 05-010; 09-012.)

12.04.080 On-Street Parking – Sight Distance.

No person shall park a vehicle on any street within such a distance from an intersection, driveway or crosswalk where such parking impairs the sight distance for vehicles and/or pedestrians entering a street.

The Traffic Engineer may place and maintain signs, curb marking and/ or other devices necessary to provide sufficient sight distance at an intersection, driveway or crosswalk in accordance with City Council adopted sight distance standards. (Legislative History Ord. No. 05-010.)

12.04.090 Disabled Person Parking Provisions.

The disabled person parking provisions contained in Vehicle Code section 22511.5 et seq. shall apply within the City. (Legislative History Ord. No. 05-010.)

12.04.100 Disabled Person Parking in Municipal Parking Lots.

A. The provisions of Vehicle Code section 22507.8 shall be applicable to all off-street parking lots and facilities owned or operated by the City if, immediately adjacent to and visible from each stall or space designated for disabled persons or disabled veterans in said lot and facilities, there is posted a sign consisting of a profile view of a wheelchair with occupant in white on a blue background and by either of the following markings:

1. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; or
2. By outlining a profile view of a wheelchair with occupant in white on a blue background, of the same dimensions as in subsection A.1. The profile view shall be located so that it is easily visible to a traffic enforcement officer when a vehicle is properly parked in the stall or space.

B. It is unlawful to stop, stand or park a vehicle in a City off-street parking lot or facility in a stall or space designated for disabled persons or disabled veterans unless the vehicle displays one of the distinguishing license plates or a placard issued pursuant to Vehicle Code section 22511.5. (Legislative History Ord. No. 05-010.)

Chapter 12.05 Private Streets and Parking Lot Traffic Regulations

Sections:

12.05.010 Private Streets and Parking Lot Traffic Regulations.

12.05.010 Private Streets and Parking Lot Traffic Regulations.

The City Council may declare by resolution or ordinance that certain privately owned and maintained streets, off-street parking lots and facilities are generally to be held open for the use of the public for purposes of vehicular traffic and parking. Pursuant to Vehicle Code sections 21107.5 and 21107.8, all provisions of the Vehicle Code and all sections of this Title shall apply to such privately owned and maintained streets and Vehicle Code sections 22350, 23103, 23109 and Division 16.5 of the Vehicle Code shall apply to off-street parking lots and facilities when the owner or operator has caused to

be posted in a conspicuous place at each entrance to such off-street parking lot or facility a notice not less than seventeen (17) inches by twenty-two (22) inches in size with lettering not less than one (1) inch in height to the effect that such off-street parking lot or facility is subject to public traffic regulations and control. (Legislative History Ord. No. 05-010.)

Chapter 12.06 Trucks and Truck Routes Within the City Limits

Sections:

- 12.06.010 Restrictions on Truck Traffic.**
- 12.06.020 Truck Routes Established.**
- 12.06.030 Weigh-in.**
- 12.06.040 Truck Trailer Parking.**
- 12.06.050 Truck Parking in Highway Commercial Areas.**
- 12.06.060 [Reserved]**
- 12.06.070 Transportation Permit Program.**

12.06.010 Restriction on Truck Traffic.

Except as provided in this Chapter, it is unlawful to operate or park a truck other than on a “Through Truck Route” or “Local Truck Route” as designated in Section 12.06.020 route. (Legislative History Ord. No. 05-010; 08-016.)

12.06.020 Truck Routes Established.

A. The following named streets are declared to be “Through Truck Routes” to provide for the movement of goods, wares and merchandise through the City for trucks not making deliveries within the City:

- First Street (SR113) – South City Limits to the North City Limits
- Porter Road – South City Limits to West A Street
- North Adams Street – West A Street to North First Street
- West F Street – North Adams Street to North First Street
- Pedrick Road – South City Limits to the North City Limits

B. The following named streets are declared to be Local Truck Routes: to provide for the movement of goods, wares and merchandise through the City for trucks making deliveries within the City: (Legislative History Ord. No. 05-010; 08-016.)

- East H Street – North First Street to Business Park Drive
- Business Park Drive – East H Street to Industrial Way
- Industrial Way – North First Street to its eastern terminus
- Fitzgerald Drive – Industrial Way to Vaughn Road
- Kids Way – Vaughn Road to its southern terminus
- Vaughn Road – North First Street to the East City Limits
- West A Street – West City Limits to Gateway Drive
- Gateway Drive – West A Street to Plaza Court

Gateway Court – Plaza Court to its northern terminus
Plaza Court – Gateway Drive to its western terminus
Pitt School Road – Market Lane to the North City Limits
Ary Lane – Pitt School Road to Market Lane
Market Lane – Ary Lane to Pitt School Road
Stratford Avenue – Pitt School Road to Commercial Street
Commercial Street – Pitt School Road to its northern terminus

C. The Traffic Engineer shall ensure that such Truck Routes are marked with appropriate signs. (Legislative History Ord. No. 05-010; 08-016.)

12.06.030 Weigh-In.

Any public safety officer shall have the authority to require any person driving or in control of any vehicle to proceed to any public or private scale available for the purpose of weighing the vehicle to determine whether it complies with this Chapter. (Legislative History Ord. No. 05-010.)

12.06.040 Truck Trailer Parking.

The parking of truck trailers on designated “Through Truck Routes” and “Local Truck Routes” without being attached to a motor vehicle capable of towing such trailer is prohibited. (Legislative History Ord. No. 08-016.)

12.06.050 Truck Parking in Highway Commercial Areas.

A. There is hereby established an “Overnight Truck Parking Program” for the City of Dixon. Guidelines for establishment of areas to be considered under this program are as follows:

1. Roadways eligible to participate in the “Overnight Truck Parking Program” must be designated as either a “Through Truck Route” or a “Local Truck Route.”
2. The roadway segment must have at least 50% Highway Commercial zoned frontage as shown on the latest City of Dixon Zoning map.
3. The roadway must be designed to accommodate the weight of truck traffic as determined by the City Engineer.
4. Requests for the City to establish an overnight truck parking areas must be accompanied by a petition signed by no less than 75% of the adjacent properties in favor of revoking the “Overnight Truck Parking Program” for the area.
5. Requests for the City to revoke an overnight truck parking area must be accompanied by a petition signed by no less that 75% of the adjacent

properties in favor of revoking the “Overnight Truck Parking Program” for the area.

6. The City Council may revoke truck parking privileges for a particular area at any time without notice to the participants.
7. The affected roadway frontage on which overnight truck parking will be permitted must be on both sides of the roadway and must extend between two cross streets, to the City Limits of the end of the roadway in the case of cul-de sac streets.
8. City Council must find that the establishment of an “Overnight Truck Parking Program” will have an overall benefit to the community in this particular case.

B. The regulations applicable to parking within areas covered by the “Overnight Truck Parking Program” are as follows:

1. The City Council, in accordance with the requirements of this Section may designate an area to be included in the “Overnight Truck Parking Program” which satisfies the criteria established in this Section. Such area shall be designated by Resolution.
2. Within the areas covered by the “Overnight Truck Parking Program” all posted parking restrictions including but not limited to “No Parking” restrictions, shall remain in full force and effect for all vehicles, except for trucks displaying a valid “Overnight Truck Parking Program: permit which shall not be subject to such parking restrictions.
3. Permits are granted only to businesses with a physical address within the street segment designated in the Program.
4. The program will be administered by the Dixon Police Department and Engineering Department. The permits will be issued with a tracking number to verify validity.
5. Permits shall be displayed in the driver side window and shall be legibly dated with the year issued and readable from a passing patrol vehicle. Numbering of no less that 2” height is required.
6. The fee for permits issued under the “Overnight Truck Parking Program: shall be established by Resolution of the City Council.
7. A limited number of permits will be issued for each area equaling the number of potential truck parking spaces available in the area. Permits will be either color coded or otherwise designed to label the business area for which the permit is valid. Parking is not reserved and will be available

on a first-come, first-serve basis only. (Legislative History Ord. No. 08-016.)

12.06.060 Exceptions

A. The provisions of this Chapter shall not prohibit the operation of any truck deviating from a truck route when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure or for the purpose of delivering materials to be used in the repair, alteration, remodeling or construction of any building or structure for which a building permit has previously been obtained. Provided, that if going to or returning from a destination not on a truck route, a truck shall deviate from the truck route, by the shortest and most direct route between each destination and the nearest tuck route.

B. The provisions of this Chapter shall not apply to:

1. Passenger buses under the jurisdiction of the Public Utilities Commission and school buses owned and operated by a public or private school.
2. Any vehicle owned or operated by the City, or used for the removal of refuse under contract with the City, or by a public utility or licensed contractor while necessarily in use in the construction, installation or repair of any facility within the City.
3. Any authorized emergency vehicle.

(Legislative History Ord. No. 05-010.)

12.06.070 Transportation Permit Program.

A. The City, pursuant to the California Vehicle Code Sections 35780 and 35790, may hereafter establish a “Transportation Permit Program” by resolution adopted by the City Council.

B. Pursuant to and in accordance with the California Vehicle Code and an established Transportation Permit Program, the City Engineer or the City Engineer’s designees shall be authorized to, at his or her discretion and if good cause appears, issue transportation permits for the following:

1. Operation or movement of a vehicle or combination of vehicles or special mobile equipment that exceeds the maximum legal weight and/or size specified in Section 35000-35796 of the California Vehicle Code.
2. Movement of any manufactured home in excess of the maximum legal weight and/or size specified in Section 35790-35790.6 of the California Vehicle Code.

C. It is unlawful to do the following without a valid transportation permit issued pursuant to an established Transportation Permit Program:

1. Operate or move a load exceeding legal weight and/or size limitations on any street or alley within the City; or
2. Move a manufactured home exceeding legal weight and/or size limitations on any street or alley within the City.

D. In any case where this Section requires a transportation permit to be obtained, an applicant for such permit shall pay a fee for the purpose of recovering the City's cost for processing the permit application for the administration of the Transportation Permit Program within the City. The amount of such fee shall be established by resolution of the City Council, as may be amended from time to time. (Legislative History Ord. No. 09-009.)

Chapter 12.07 Pedestrians and Passengers

Sections:

- 12.07.010 Marked Crosswalks Established.**
- 12.07.020 Crosswalk Use Required.**
- 12.07.030 Unnecessary Obstruction of Crosswalk Prohibited.**
- 12.07.040 Pedestrians Disregarding Signals.**
- 12.07.050 Pedestrians Signals.**
- 12.07.060 Pedestrians Causing a Hazard.**
- 12.07.070 Pedestrians Using Roadway When Sidewalk is Available.**
- 12.07.080 Pedestrians in Bike Lanes.**
- 12.07.090 Standing in Roadway for Purpose of Hitchhiking.**
- 12.07.100 Boarding or Alighting from Vehicles.**

12.07.010 Marked Crosswalks Established.

The Traffic Engineer shall place and maintain marked crosswalks, by means of pavement markings and/or other devices, where the City Council determines additional guidance for pedestrians would be beneficial. (Legislative History Ord. No. 05-010.)

12.07.020 Crosswalk Use Required.

A pedestrian shall cross a street only within a marked or unmarked crosswalk. (Legislative History Ord. No. 05-010.)

12.07.030 Unnecessary Obstruction of Crosswalk Prohibited.

No pedestrian shall unnecessarily stop, obstruct or delay traffic. (Legislative History Ord. No. 05-010.)

12.07.040 Pedestrians Disregarding Signals.

A. Unless otherwise directed by a pedestrian control signal or by a public safety officer, a pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.

B. It is unlawful for any pedestrian to fail to obey any sign or signal erected or maintained to indicate or carry out the provisions of the Vehicle Code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance. (Legislative History Ord. No. 05-010.)

12.07.050 Pedestrians Signals.

Whenever a pedestrian control signal showing the words "walk" or "wait" or "don't walk" or other approved symbol is in place, the signal shall indicate as follows:

A. "Walk" or approved "walking person" symbol. A pedestrian facing the signal may proceed across the roadways in the direction of the signal, but shall yield the right-of-way to vehicles lawfully in the intersection at the time the signal is first shown.

B. Flashing or steady "don't walk" or "wait" or approved "upraised hand" symbol. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway, while the "wait" or "don't walk" or approved "upraised hand" symbol is showing. (Legislative History Ord. No. 05-010.)

12.07.060 Pedestrians Causing a Hazard.

A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the street in path of a vehicle, which is so close as to constitute an immediate hazard, whether or not in a crosswalk. (Legislative History Ord. No. 05-010.)

12.07.070 Pedestrians Using Roadway When Sidewalk is Available.

A pedestrian shall not walk, run or jog on the roadway when there is an adjacent sidewalk or other appropriate facility available. If there is no sidewalk or other facility available, the pedestrian may walk, run or jog upon the roadway edge that is close to his/her left hand and facing traffic. (Legislative History Ord. No. 05-010.)

12.07.080 Pedestrians in Bike Lanes.

A pedestrian shall not proceed along a bicycle path or lane where there is an adjacent sidewalk. (Legislative History Ord. No. 05-010.)

12.07.090 Standing in Roadway for Purpose of Hitchhiking.

A person shall not stand in a roadway for the purpose of soliciting a ride from the driver

of a vehicle. (Legislative History Ord. No. 05-010.)

12.07.100 Boarding or Alighting From Vehicles.

A person shall not board or alight from any motor vehicle while such motor vehicle is in motion. (Legislative History Ord. No. 05-010.)

Chapter 12.08 Miscellaneous Regulations

Sections:

- 12.08.010 Erasing Police Chalk Marks Prohibited.**
- 12.08.020 Driving Regulations.**
- 12.08.030 Clinging to Vehicle Prohibited.**
- 12.08.040 Excessive Acceleration.**
- 12.08.050 Unlawful Riding.**
- 12.08.060 Emerging From Alley or Driveway.**

12.08.010 Erasing Police Chalk Marks Prohibited.

It is unlawful to erase chalking or other marking made by officers from tires by means other than to leave a parking stall or space and drive along the street. (Legislative History Ord. No. 05-010.)

12.08.020 Driving Regulations.

A person shall not drive a vehicle:

- A. Over a fire hose without consent or direction of the a public safety officer;
- B. Between vehicles comprising a conspicuously marked funeral procession;
- C. In any parkway or on a sidewalk;
- D. Over or across any newly constructed pavement or sidewalk, or any freshly painted marking in any street or alley when a barrier or sign is in place warning against such action or when a traffic control device is in place;
- E. Over or on that portion of a curb gutter or sidewalk which has been cut down, lowered or constructed to provide wheelchair accessibility to the sidewalk;
- F. Over or on that portion of a curb gutter or sidewalk which has not been cut down, lowered or constructed to provide vehicular access to an approved driveway. (Legislative History Ord. No. 05-010.)

12.08.030 Clinging to Vehicle Prohibited.

A person riding on a bicycle, motorcycle, skateboard, skates or any other similar vehicle or device shall not attach the same, himself or herself to any other moving vehicle on any street. (Legislative History Ord. No. 05-010.)

12.08.040 Excessive Acceleration.

It is unlawful for the operator of any vehicle to operate such vehicle on a street or alley in such manner that it is accelerated in such fashion as to leave frictional tire marks on the surface of the street or alley. (Legislative History Ord. No. 05-010.)

12.08.050 Emerging From Alley or Driveway.

The driver of a vehicle emerging from an alley or driveway onto any public street shall stop such vehicle immediately prior to driving onto a sidewalk area extending across any alley or driveway pursuant to any posted stop sign. (Legislative History Ord. No. 05-010.)

12.08.060 Unlawful Riding.

No person shall ride on any portion of any vehicle not designed or intended for the use of passengers. (Legislative History Ord. No. 05-010.)

Chapter 12.09 Parking and Storage of Recreational Vehicles

Sections:

- 12.09.010 Purpose.**
- 12.09.020 Use Restrictions.**
- 12.09.030 Violations – Duty of Officer.**

12.09.010 Purpose.

The purpose of this Chapter is to regulate the storage and parking of recreational vehicles in the City in the interest of public health, safety, and welfare to prevent such recreational vehicles being utilized as housing except in lawfully established trailer parks and to ameliorate street congestion, sight blockage and aesthetic blight caused by the improper storage and parking of such vehicles. (Legislative History Ord. No. 05-010.)

12.09.020 Use Restrictions.

A. Except in a trailer park or other mobile home park, it shall be unlawful to use any recreational vehicle for the purpose of:

1. Human habitation, notwithstanding that such units have been altered in such a manner as to render them no longer useable as means for the

transportation of human beings.

2. Sleeping quarters, notwithstanding that such units have been altered in such a manner as to render them no longer useable as means for the transportation of human beings.

B. Notwithstanding subsection A of this section, a resident of a single family or two family lot located in a residential district may use a recreational vehicle on public property for the purpose of temporary sleeping quarters, subject to the following limitations:

1. Any such recreational vehicle must be fully contained and must not require any plumbing or electrical hookups to the residential structure; and
2. Such use as temporary sleeping quarters shall not extend beyond seventy-two (72) cumulative hours nor more than two (2) occasions during any thirty (30) day period.

C. This section shall not apply to an installed "mobile home" or "manufactured home" as set forth in Government Code sections 65852.3 and 65852.7. (Legislative History Ord. No. 05-010.)

12.09.030 Violations – Duty of Officer.

In the event that any recreational vehicle is placed on, located or allowed to stand in any place in the City in violation of the provisions of this Chapter, the code enforcement technician or any public safety officer of the City may, at their discretion, impound each such recreational vehicle, and cause the same to be taken to an approved storage facility or impound area. The expenses of towing such recreational vehicle to such facility or impound area and the storage of the same, as herein provided, shall be paid by the person or persons owning such, recreational vehicle prior to its release. Provided, however, that not less than seventy-two (72) hours advance written notice shall be provided before the recreational vehicle is impounded or towed. (Legislative History Ord. No. 05-010.)

Chapter 12.10 Violations and Penalties

Sections:

- 12.10.010 Penalty for Violation.**
- 12.10.020 Remedies Cumulative.**

12.10.010 Penalty for Violation.

Any person who violates or fails to comply with any of the provisions of this Title, and any person who aids, assists or abets therein, shall be guilty of an infraction. (Legislative History Ord. No. 05-010.)

12.10.020 Remedies Cumulative.

The remedies provided for in this Title shall be cumulative with any other remedies available in law or in equity and are not exclusive. (Legislative History Ord. No. 05-010.)

Chapter 12.11 [Reserved]

Chapter 12.12 [Reserved]

Chapter 12.13 [Reserved]

Chapter 12.14 [Reserved]

Chapter 12.15 Severability

Sections:

12.15.010 Severability.

12.15.010 Severability.

If any part or parts of this Title is held to be invalid, or unenforceable, such decision shall not affect the validity of the remaining portions of this Title which is hereby declared to be severable. (Legislative History Ord. No. 05-010.)

TITLE 13
[Reserved]

TITLE 14
[Reserved]

TITLE 15
[Reserved]

TITLE 16

BUILDING AND CONSTRUCTION

Chapter 16.00 Definitions

16.00.010 Definitions. For purposes of the Dixon Municipal Code, the following shall apply:

A. “Dixon Building Code” shall mean Chapter 16.03 of Title 16 of the Dixon Municipal Code.

B. “Dixon Building Standards Administrative Code” shall mean Chapter 16.08 of Title 16 of the Dixon Municipal Code.

C. “Dixon Electrical Code” shall mean Chapter 16.01 of Title 16 of the Dixon Municipal Code.

D. “Dixon Energy Code” shall mean Chapter 16.09 of Title 16 of the Dixon Municipal Code.

E. “Dixon Existing Building Code” shall mean Chapter 16.11 of Title 16 of the Dixon Municipal Code.

F. “Dixon Fire Code” shall mean Chapter 16.02 of Title 16 of the Dixon Municipal Code.

G. “Dixon Historical Building Code” shall mean Chapter 16.10 of Title 16 of the Dixon Municipal Code.

H. “Dixon Housing Code” shall mean Chapter 16.13 of Title 16 of the Dixon Municipal Code.

I. “Dixon Mechanical Code” shall mean Chapter 16.07 of Title 16 of the Dixon Municipal Code.

J. “Dixon Plumbing Code” shall mean Chapter 16.05 of Title 16 of the Dixon Municipal Code.

K. “Dixon Property Maintenance Code” shall mean Chapter 16.14 of Title 16 of the Dixon Municipal Code.

L. “Dixon Referenced Standards Code” shall mean Chapter 16.12 of Title 16 of the Dixon Municipal Code.

M. “Dixon Swimming Pool, Spa and Hot Tub Code” shall mean Chapter 16.15 of

Title 16 of the Dixon Municipal Code.

N. "Dixon Uniform Codes" shall mean Chapters 16.01, 16.02, 16.03, 16.05, 16.07, 16.08, 16.09, 16.10, 16.11, 16.12, 16.13, 16.14, and 16.15 of Title 16 of the Dixon Municipal Code.

O. "Building Official" shall mean the Community Development Director or his or her designee.

(Legislative History Ord. No. 09-004.)

Chapter 16.01 Electrical Code

Sections:

- 16.01.010 Title.**
- 16.01.020 Adoption of Uniform Electrical Codes.**
- 16.01.030 Penalties.**
- 16.01.040 Administrative Citations.**

16.01.010 Title.

This chapter shall be known and cited as the "Dixon Electrical Code" and may hereinafter be referred to as such or "this code." Article, Section, Division, and Appendix numbers used in Section 16.01.030 are those of the California Electrical Code or codes adopted by reference in this Chapter. (Legislative History Ord. No. 05-003; 07-019; 11-001.)

16.01.020 Adoption of Electrical Codes.

Those certain Codes and Standards known as the 2010 California Electrical Code, Title 24, California Code of Regulations, Part 3, (hereinafter the California Electrical Code or CEC), which incorporates and amends by reference the 2008 National Electrical Code (NEC) published by the National Fire Protection Association, and all Annexes thereto, with the exception of Annex G, are hereby adopted by reference. Not less than two (2) copies of the CEC have been and are now filed in, the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, *et seq.*, of the Government Code of the State of California. (Legislative History Ord. No. 05-003; 07-019; 11-001.)

16.01.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney

determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 05-003; 07-019; 11-001.)

16.01.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 05-003; 07-019; 11-001.)

Chapter 16.02 Fire Code

Sections:

- 16.02.010 Title.**
- 16.02.020 Adoption of Fire Codes.**
- 16.02.030 Establishment and Duties of the Fire Prevention Division.**
- 16.02.040 Establishment of Limits of the City of Dixon in which the Storage of Hazardous Materials is Prohibited.**
- 16.02.050 Establishment of Limits of the City of Dixon in which the Storage of Compressed Natural Gas is Prohibited.**
- 16.02.060 Establishment of Limits of the City of Dixon in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are Prohibited.**
- 16.02.070 Establishment of Limits in which Storage of Flammable and Combustible Liquids, Flammable Gases and Flammable Cryogenic Fluids and Liquefied Petroleum Gas (LPG) is Prohibited.**
- 16.02.080 Establishment of Limits of the City of Dixon in which Storage of Explosives and Blasting Agents are Prohibited.**
- 16.20.90 Establishment of Limits of the City of Dixon in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks; Bulk Plants or Terminals; and Bulk Transfer Operations is Prohibited.**
- 16.02.100 Amendment of Adopted Codes.**
- 16.02.110 Appeals.**
- 16.02.120 Penalties.**

16.02.010 Title.

This chapter shall be known and cited as the "Dixon Fire Code" and may hereinafter be referred to as "Dixon Fire Code" or "this code." Chapter, Division, Part, Section, Subsection, and Appendix numbers cited in this Chapter are those of the California Fire Code or codes adopted therein by reference. (Legislative History Ord. No. 07-023; 11-001.)

16.02.020 Adoption of Fire Codes.

Those certain Codes and Standards known as the California Fire Code, Title 24, Part 9, (hereinafter the Fire Code or CFC), and by reference the 2009 International Fire Code published by the International Code Council, Inc., in its entirety, including Appendix Chapter 4 and Appendices A, B, BB, C, CC, D, E, F, G, H, I & J are hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.02.100 of this Chapter. Not less than one (1) copy of the CFC has been and is now filed at the Dixon Fire Department, Fire Prevention Division Office, 205 Ford Way, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-023; 11-001.)

16.02.030 Establishment and Duties of the Fire Prevention Division.

A. The California Fire Code, as adopted and amended herein, shall be enforced by the City of Dixon Fire Prevention Division which is hereby established and which shall be operated under the supervision of the Fire Code Official.

B. The Fire Department referred to herein and in the codes adopted pursuant to Section 16.02.020 shall be the Dixon Fire Department, and the Fire Chief or Fire Code Official referred to herein and in the codes adopted pursuant to Section 16.02.020 shall be the Fire Chief of the Fire Department, or his or her designee. (Legislative History Ord. No. 07-023; 11-001.)

16.02.040 Establishment of Limits of the City of Dixon in which the Storage of Hazardous Materials is Prohibited.

Section 2701.1 of the California Fire Code is hereby amended to add a new Section 2701.1.2 to read as follows: the storage of hazardous materials in any area which is zoned for other than commercial, industrial, or agricultural use is prohibited. (Legislative History Ord. No. 07-023; 11-001.)

16.02.050 Establishment of Limits of the City of Dixon in which the Storage of Compressed Natural Gas is Prohibited.

Section 3001.1 of the California Fire Code is hereby amended to add a new Section 3001.1.1 to read as follows: The storage of compressed natural gas in any area which is zoned for other than commercial, industrial, or agricultural use is prohibited. (Legislative

History Ord. No. 07-023; 11-001.)

16.02.060 Establishment of Limits of the City of Dixon in which the Storage of Stationary Tanks of Flammable Cryogenic Fluids are Prohibited.

Section 3201.1 of the California Fire Code is hereby amended to add a new Section 3201.1.1 to read as follows: The storage of flammable cryogenic fluids in stationary containers in any area which is zoned for other than industrial use is prohibited. (Legislative History Ord. No. 07-023; 11-001.)

16.02.070 Establishment of Limits in which Storage of Flammable and Combustible Liquids, Flammable Gases and Flammable Cryogenic Fluids and Liquefied Petroleum Gas (LPG) is prohibited.

A. The limits referred to in Section 3404.2.9.6.1 of the California Fire Code, in which storage of Flammable and Combustible Liquids is prohibited is any area which is zoned for other than a central business district area as defined by the Dixon Fire Code, commercial, industrial, rural, or agricultural use.

B. The limits referred to in Section 3506.2.1 of the California Fire Code, in which storage of Cryogenic Fluids, i.e., LPG, is prohibited is any area which is zoned for other than a central business district area as defined by the Dixon Fire Code, commercial, industrial, rural, or agricultural use.

C. The limits referred to in Section 3804.2 of the California Fire Code, in which storage of Liquefied Petroleum Gas is prohibited is any area which is zoned for other than a central business district area as defined by the Dixon Fire Code, commercial, industrial, rural, or agricultural use. (Legislative History Ord. No. 07-023; 11-001.)

16.02.080 Establishment of Limits of the City of Dixon in which the Storage of Explosives and Fireworks are Prohibited.

Section 3301 of the California Fire Code, is hereby amended to add a new Section 3301.2 to read as follows: The storage of explosives and fireworks is prohibited in any central business district area as defined by the Dixon Fire Code or any area which is zoned for other than industrial or agricultural use. (Legislative History Ord. No. 07-023; 11-001.)

16.02.090 Establishment of Limits of the City of Dixon in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks; Bulk Plants or Terminals; and Bulk Transfer Operations is Prohibited.

A. Section 3404.2.9.5 of the California Fire Code is hereby amended to add a new Section 3404.2.9.5.1 to read as follows: The storage of Class I and II liquids inside buildings is prohibited in any area which is zoned for other than commercial, industrial, or agricultural use.

B. Section 3404.2.9.6 of the California Fire Code is hereby amended to read as follows: The storage of Class I and II liquids outside buildings is prohibited in any area which is zoned for other than commercial, industrial, or agricultural use.

C. Section 3406.4.5 of the California Fire Code is hereby amended to add a new Section 3406.4.5.1 to read as follows: The establishment of bulk plants or terminals for flammable or combustible liquids is prohibited in any central business district, urban or suburban area as defined by the Dixon Fire Code.

D. Section 3406.5.1.1 of the California Fire Code is amended to add a new Section 3406.5.1.1.1 to read as follows: Bulk transfer and process transfer operations of flammable or combustible liquids are prohibited in any central business district, urban or suburban area as defined by the Dixon Fire Code. (Legislative History Ord. No. 07-023; 11-001.)

16.02.100. Amendment of Adopted Codes.

Notwithstanding the provisions of Section 16.04.020, the California Fire Code is amended as follows:

A. 202 Definitions. Section 202 is amended by adding and/ or amending the following definitions:

“All-weather surface.” A finished surface with asphalt, concrete, or road pavers.

“Central business district.” The downtown area of the city or business parks having a cluster of buildings generally 2 or more stories in height.

“Firebreak.” A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

“Fire trail.” A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

“Response time.” The elapsed time from receipt of call at the fire station to the arrival of the first unit on scene.

“Running time.” The calculated time difference between leaving the first-due station and arriving on the emergency scene.

“Suburban area.” That area generally designated for single family residential use with residential and non-residential uses generally less than 3 stories in height, and parcels up to 1 acre.

“Temporary fire department access road for construction.” A temporary roadway for emergency vehicle use during construction of residential subdivision projects.

“Temporary fire department access road for construction of one (1) residential (R3) unit.” A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

“Temporary water supply.” Water stored for firefighting purposes in an aboveground tank(s) during combustible construction.

“Urban area.” A commercial or residential area having clusters of buildings generally 1 to 3 stories in height including primarily commercial areas of cities and clusters of apartment buildings or condominiums, and commercial corridors along major arterials.

B. Chapter 1, Scope & Administration. Chapter 1 is amended as follows: 101.1 Title. Section 101.1 is deleted.

102 Applicability Section 102 is amended by the addition of Section 102.1(5) as follows:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles when fixed in a specific location within the boundaries of this jurisdiction.

102.1 Construction and design provisions. Section 102.1 is amended by the addition of a new Section 102.1.1 to read as follows:

Existing non-complying conditions. Existing buildings which do not conform to current California Building Code or California Fire Code requirements may be required to install an automatic fire extinguishing system when interior alterations or remodeling occurs, regardless of whether there is a change of occupancy, use or increase in floor area. It shall be the responsibility of the fire code official and the building code official having jurisdiction to evaluate the work being performed, non-complying features, and determine if an automatic fire extinguishing system shall be required. If mutual concurrence between the building code official and the Fire Marshal cannot be reached, such building will not require sprinklers.

Exception: In Group R-3 occupancies, unless already provided with an automatic fire extinguishing system, single family dwellings need not comply with Section 102.1.1.

Section 104.5 Notices and orders. Section 104.5 is hereby amended to add subsection 104.5.1 as follows:

104.5.1 Issuance of citations. The fire code official, or his or her duly authorized agents, may issue citations for violations of this code in the same manner as a county or city is authorized to do so by California Penal Code Sections 853.5 *et*

seq.

105.6 Required Operational Permits. Section 105.6 is hereby amended by adding subsections 105.6.48 through 105.6.55 as follows:

105.6.48 Battery system. To operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L), see Section 608.

105.6.49 Christmas tree sales. To use a property for the purpose of selling cut Christmas trees, see applicable provision of Chapter 3 General Precautions Against Fire.

105.6.50 Firework aerial display. To conduct a firework display regulated by California Code of Regulations Title 19 and this code, see Chapter 33.

105.6.51 Liquefied petroleum gases. Is amended to add Item 3 as follows: To store, use or handle liquefied petroleum gas inside buildings, see Chapter 38.

105.6.52 Model rockets. See California Code of Regulations Title 19, Division 1 Article 17.

105.6.53 Temporary fire department access road for construction. To utilize a temporary fire department access road for construction, see Sections 1410.2 and 1410.2.1.

105.6.54 Temporary water supply. To utilize a temporary water supply for construction of residential projects or subdivisions, see Section 1412.2 and 1412.3.

105.6.55 Tire storage. To store tires in excess of 1,000 cubic feet inside buildings, see Chapter 25.

105.7. Flammable and combustible liquids.

Section 105.7 is amended by adding subsection 105.7.7.1 as follows:

105.7.7.1 Other agency permits. Permit requirements of the Solano County Department of Environmental Health shall be complied with concurrently with permit requirements of the City of Dixon Fire Department.

Section 105.7 is amended by adding subsection 105.7.8.1 as follows:

105.7.8.1 A construction permit is required to conduct asbestos-removal operations. Ref CCR, Title 8, Section 1529.

Section 105.7 is amended by adding subsections 105.7.15 through 105.7.17 as follows:

105.7.15 Demolition of a building. See Chapter 14.

105.7.16 Security gates. A construction permit is required for the installation of a gate across a fire apparatus access road, see Section 503.

105.7.17 Water supply for fire protection. Plans shall be submitted to determine adequate water supplies and fire hydrants are provided for all facilities, buildings or portions of buildings either constructed or moved into the City of Dixon, see Section 507.

108.1 Board of appeals established. Section 108.1 is amended to add Section 108.1.1 as follows:

108.1.1 Appeals in a State Fire Marshal regulated occupancy. When a request for an alternate means of protection has been denied by the enforcing agency in an occupancy regulated by the State Fire Marshal, the applicant may file a written appeal to the State Fire Marshal for consideration of the applicant's proposal. In considering such appeal, the State Fire Marshal may seek the advice of the State Board of Fire Services. The State Fire Marshal shall, after considering all of the facts presented, including any recommendations of the State Board of Fire Services, determine if the proposal is for the purposes intended, at least equivalent to that specified in these regulations in quality, strength, effectiveness, fire resistance, durability and safety, and shall transmit such findings in writing and any recommendations to the appellant and to the enforcing agency.

109.3 Violation penalties. Section 109.3 is amended to read as follows:

See Dixon Municipal Code section. 16.02.120.

111.4 Failure to comply. Section 111.4 is amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to citation.

C. Chapter 3, General Precautions Against Fire. Chapter 3 is amended as follows:

304.1.2 Vegetation. Section 304.1.2.1 is hereby added to read as follows:

Mitigation and removal methods shall be in a manner approved by the fire code official.

D. Chapter 5, Fire Service Features. Chapter 5 is amended as follows:

503.1.2 Additional access. Section 503.1 is amended to add Section 503.1.2.1 as follows:

503.1.2.1 Access to open spaces. When access to open land/space or fire trail systems maintained for public or private use is obstructed by new development

of any kind, the developer shall provide alternate acceptable access into the area(s), as approved by the fire code official, for fire personnel and apparatus.

503.2 Specifications. Sections 503.2.4 and 503.2.5 are amended as follows:

503.2.4 Minimum turning radius. A fire access road shall have a minimum standard turning radius of 30 feet inside and a 42-foot outside diameter.

503.2.5 Dead ends. Dead end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around aerial fire apparatus.

503.6. Security Gates. Section 503.6 is amended to add 503.6.1, 503.6.2, 503.6.3 and 503.6.4 as follows:

503.6.1 Out of service notification. Gate operation shall not be altered or placed out of service without prior notification to the Dixon Fire Department, Fire Prevention Division.

503.6.2 Power failures. All gates must be provided with an approved means to open it during power failures.

503.6.3 Multiple gates. If there are two or more gates accessing the property, all gates must be operated in the same fashion.

503.6.4 Gate Maintenance. The maintenance and upkeep of all gates, including the power to operate the gates, is the responsibility of the property owner or occupants.

510 Emergency responder radio coverage. Section 510 is amended to add subsection 510.3 as follows:

510.3 Except as otherwise provided, no person shall change the use of or provide an addition of more than 50% of the original square footage to any building or structure or any part thereof, or cause the same to be done, that fails to support adequate radio coverage of public safety agencies as outlined in this section.

E. Chapter 6, Building Services and Systems. Chapter 6 is amended as follows:

608 Stationary storage battery systems. Section 608 is amended by adding Section 608.1.1 as follows:

608.1.1 Permits. A permit is required to operate a stationary lead acid battery system for standby power systems having a electrolyte capacity of more than 50 gallons (189 L) and/or more than 1,000 pounds ((454 kg) of lithium-ion, see Section 105.6.48.

F. Chapter 9, Fire Protection Systems. Chapter 9 is amended as follows:

903.2 Where required. Section 903.2 is amended to read as follows:

Approved automatic sprinkler systems shall be installed in new buildings and structures as set forth in Section 903.2 as amended, on the basis of occupancy classification, type of construction and square footage as specified in Table 903.2. The floor areas set forth in Table 903.2 shall be the total floor area of buildings or structures respective of area separation walls.

Calculation of the total floor area of Group R-3 occupancies shall include unfinished areas having a clear height of 7 feet or greater at any single point. Unfinished areas may utilize California Building Code Section 1208.2, Exception 2 for determination of floor areas to be included in the overall floor area calculation.

Exceptions:

1. Systems which are required to mitigate deficiencies shall be installed in accordance with requirements as deemed necessary by the Fire Marshal.
2. In Group R-3 occupancies, the floor area of an attached garage shall be included in the square footage calculation for determination of the total floor area of the occupancy. Attached garages are required to be protected by an automatic sprinkler system when installed in the structure.

903.2.1 Group A. Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group-A occupancy as provided in this section. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in California Fire Code Section 903.2.1.5.

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.1.5 Group A-5. See California Fire Code.

903.2.2 Group B. Section 903.2.2 is amended to read as follows:

903.2.2 Group B. An automatic sprinkler system shall be installed throughout buildings containing a Group B occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2, or when any care recipients are incapable of self preservation.

903.2.3 Group E. Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.4 Group F-1. Section 903.2.4 is amended to read as follows:

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.4.2 A new Section 903.2.4.2 is added to read as follows:

903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing Group F-2 occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.7 Group M. Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.9 Group S-1. Sections 903.2.9 and 903.2.9.1 are amended to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings containing a repair garage where the fire area exceeds the square footage based on type of construction in Table 903.2 for a Group S-1 occupancy.

903.2.10 Group S-2. Section 903.2.10 is amended to read as follows:

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout

all buildings containing a Group S-2 occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.11.3 Buildings 55 feet or more in height. Section 903.2.11.3 Buildings 55 feet or more in height is amended to read as follows:

903.2.11.3 Buildings three stories or more than 35 feet in height. An automatic sprinkler system shall be installed in all occupancies regardless of type of construction, floor area, or occupant load if the building is three or more stories or more than 35 feet in height measured in accordance with California Building Code.

903.2:16 Group L. Section 903.2.16 is amended to read as follows:

903.2.16 Group L. An automatic sprinkler system shall be provided throughout all buildings containing a Group L occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.2.18 Group U. Section 903.2.18 is amended to read as follows:

903.2.18 Group U. An automatic sprinkler system shall be provided throughout all buildings containing a Group U occupancy where the fire area exceeds the square footage based on type of construction in Table 903.2.

903.3.5 Water supplies. Section 903.3 is amended to add subsection 903.3.5.3 as follows:

903.3.5.3 Non-permissible water supply storage. Swimming pools, ponds, and underground cisterns shall not be considered water storage for the purposes of Section 903.3.5.

Exception: Secondary water supplies for fire pumps in commercial buildings where the primary water supply is provided by a municipal water purveyor.

903.6 Existing buildings. Sections 903.6 and 903.6.1 and 903.6.2 are amended, and Sections 903.6.3, 903.6.3.1, 903.6.4 and 903.6.4.1 are added to read as follows:

Section 903.6 Existing buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the California Building Code by requiring installation of an automatic fire-extinguishing system.

903.6.1 Pyroxylin plastics. All structures occupied for the manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic shall be equipped with an approved automatic fire-extinguishing system. Vaults located within buildings for the storage of raw pyroxylin shall be protected with an approved automatic

sprinkler system capable of discharging 1.66 gallons per minute per square foot (68 L/min/m²) over the area of the vault.

903.6.3 Additions, alterations, or remodels. In existing buildings any addition, alteration, or remodel which causes the total square footage to exceed the allowable floor area per Table 903.2 by more than 25 percent, shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3.

903.6.3.1 Change in use, character or occupancy classification. Existing buildings which undergo a change in use, character, or occupancy classification shall require the entire building be protected by an automatic sprinkler system installed in accordance with Section 903.3 when the area of the building exceeds the allowable square footage in Table 903.2.

903.6.4 Additions, alterations, or remodels of Group R-3 occupancies. For Group R-3 occupancies, additions, alterations, or remodels that increase the existing floor area by more than 50 percent shall require the entire building be protected by an automatic sprinkler system.

903.6.4.1 Maximum accumulative area increases. An automatic sprinkler system shall be installed in existing Group R-3 occupancies where due to additions, alterations or remodels the accumulative total square footage exceeds 3,000 square feet, or when the total square footage of the increases exceed 50% of the original building.

Table 903.2 Summary of Automatic Sprinkler Requirements. A new Table 903.2 is inserted to read as follows:

Table 903.2
Summary of Automatic Sprinkler Requirements
TYPE OF CONSTRUCTION (C.B.C. 2010)

OCCUPANCY	I	II	III	IV	V
A-1	3,000	3,000	3,000	3,000	3,000
A-2	3,000	3,000	3,000	3,000	3,000
A-3	3,000	3,000	3,000	3,000	3,000
A-4	3,000	3,000	3,000	3,000	3,000
A-5	3,000	3,000	3,000	3,000	3,000
B	3,000	3,000	3,000	3,000	3,000
E-(Public)	As required by California Building Code				
E-(Private)	3,000	3,000	3,000	3,000	3,000
E-Day care	3,000	3,000	3,000	3,000	3,000

F-1	3,000	3,000	3,000	3,000	3,000
F-2	3,000	3,000	3,000	3,000	3,000
H Div. 1	All	All	All	All	All
H Div. 2	All	All	All	All	All
H Div. 3	All	All	All	All	All
H Div. 4	All	All	All	All	All
H Div. 5	All	All	All	All	All
1-1	All	All	All	All	All
1-2	All	All	All	All	All
1-3	All	All	All	All	All
1-4	All	All	All	All	All
L	All	All	All	All	All
M	3,000	3,000	3,000	3,000	3,000
R-1	All	All	All	All	All
R-2	All	All	All	All	All
R-3	All	All	All	All	All
R-4	All	All	All	All	All
S-1	3,000	3,000	3,000	3,000	3,000
S-2	3,000	3,000	3,000	3,000	3,000
U	3,000	3,000	3,000	3,000	3,000

907.7.5 Monitoring. Section 907.7.5 Monitoring is amended by adding subsections 907.7.5.3 and 907.7.5.4 as follows:

907.7.5.3 Listing of fire alarm systems. All fire alarm systems shall be UL listed Central Station service systems as defined by the 2010 National Fire Alarm Code. When approved by the fire code official, local alarms are permitted in:

1. Day Care Facilities.
2. Single Family Dwellings.
3. Residential Care Facilities Licensed by Community Care Licensing with an occupant load of 6 or less.
4. Occupancies with a local fire alarm system which will give an audible and visible signal at a constantly attended location. A constantly attended location shall mean a location on site which is staffed 24 hours a day by at least one alert adult who remains awake and who does not have conflicting duties which may delay detection and reporting of an alarm.
5. Other such occupancies for which the installation of a monitored system may be impractical or inappropriate.

907.7.5.4 Certification. Fire alarm systems shall be UL Certified and a Certificate of Completion and other documentation listed in the 2010 National Fire Alarm

Code shall be provided for all new fire alarm system installations.

914.12 Computer rooms. Section 914.12 Computer rooms is added to read as follows:

914.12 Computer rooms. Under floor spaces in a computer room or building with a cement floor surface containing smoke alarms or a smoke sampling system shall be sealed to eliminate the production of cement dust.

G. Chapter 10, Means of Egress. Chapter 10 is amended as follows:

1027.6 Access to a public way. Section 1027.6 Access to a public way is amended by adding a new subsection 1024.6.1 as follows:

1027.6.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather and terminate at a public way as defined in the California Building Code.

H. Chapter 14, Fire Safety During Construction and Demolition. Chapter 14 is amended as follows:

1410 Access for firefighting. Section 1410 is amended to add subsections 1410.1.1 and 1410.1.2, 1410.3, 1410.3.1 and 1410.3.2 as follows:

1410.1.1 Construction Permit. A permit is required for a temporary fire department access road, see Section 105.6.54.

1410.1.2 Use of an access for firefighting. The use of a temporary roadway in lieu of permanent roadways is limited to June 1st through October 1st. Timelines may be modified by the fire code official depending on weather conditions. A temporary fire department access road shall be established and maintained as follows:

1. Prior to the start of combustible construction the applicant shall call for inspection to verify the roadway has been installed, meets City of Dixon Fire Department standards and is in service.
2. Roadway construction shall be laid and compacted to withstand the imposed weight loads of fire apparatus to a minimum 75,000 lbs.
3. Turn-a-round provisions shall be provided for roadways that exceed 150 feet in length. Turn-a-round provisions should primarily be those designed as part of the project however, in certain circumstances, alternatives may be submitted for approval by the fire code official. Turning radius to be a minimum of 30 feet inside minimum diameter and 45 feet outside diameter.
4. Roadways are required to provide emergency vehicle access to the

construction site. The parking of worker vehicles must be monitored to assure a minimum unobstructed roadway width of 20 feet is maintained.

5. Roadway grade shall not exceed 12 percent.
6. Conditions of permit are to be complied with throughout the duration of the permit timeline. Attention to maintenance of roadway conditions at all times is required. If at any time violations of the conditions of permit are observed, a "Stop Work Order" will be issued at which time all combustible construction will be halted until such time the conditions of the permit are re-established. For significant or repeated violations of the permit a permanent "Stop Work Order" will be issued and remain in effect until such time permanent roadways are installed.
7. Timelines may be modified depending on weather conditions.

Exception: A temporary fire department access road for construction of one (1) residential (Group R-3) unit is not required.

1410.3 Obstructions to access roads. Staging of building materials, placement of equipment or parking of worker vehicles shall not take place within the required width of a fire department access road.

1410.3.1 Access to structures. Staging of building materials, placement of equipment or parking of worker vehicles shall not obstruct frontal access to structures under construction or fire hydrants.

1410.3.2 Construction site locks. Site security gates shall be provided with a Knox accessibility system.

1412 Water supply for fire protection. Section 1412 is amended to add new Sections 1412.1.1 and 1412.2 as follows:

1412.1.1 Permit. A permit is required for temporary water supplies, see Section 105.6.55.

1412.2 Temporary water supply for subdivisions. For construction of residential projects or subdivisions temporary water supplies are permitted only for construction of model units. Temporary water supplies shall meet the following requirements:

1. Prior to the start of combustible construction the applicant shall call for inspection to verify temporary water supplies have been provided, meet City of Dixon Fire Department standards, and are in service.
2. Temporary water storage for firefighting shall be provided in 20,000 gallon above ground containers. Minimum tank size is to be 20,000 gallon

capacity. Water total aggregate shall meet the fire flow requirements found in Appendix Table B.

3. Temporary water storage containers shall be located with regards to fire department emergency vehicle access. Containers shall be a minimum 50 feet from structures.
4. Temporary water storage containers shall be provided with a 4 1/2 inch male NST valve controlled outlet. Outlet shall be so located to provide ready fire department access.
5. Temporary water storage containers are to be maintained full at all times. Water storage containers shall be restricted for fire department use only.
6. Fire department access to temporary water containers shall be maintained at all times. Obstructions including, but not limited to, worker vehicles or the staging of building materials is prohibited.
7. Fire pumps utilized for maintaining hydrant pressure are required. Chapter 14. Chapter 14 is amended to add Section 1418 Asbestos removal as follows: Section 1418 Asbestos removal.

1418.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 1418. Exception: Section 1418 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment;
2. Pipes, ducts, girders or beams which have a length less than 21 linear feet;
3. Wall or ceiling panels which have an area of less than 10 square feet or a dimension of less than 10 linear feet.
4. Floor tiles when the duration of work can be completed in less than four hours;
5. Group R-3 Occupancies.

1418.2 Permits. A permit is required to conduct asbestos removal operations, see Section 105.7.8.1.

1418.3 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials which were used as a feature of the building's fire resistance.

1418.4 Plastic Film. Plastic film which is installed on building elements shall be flame resistant as required for combustible decorative material in accordance with Section 807.

1418.5 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area that asbestos is a suspected carcinogen and that proper respiratory protection is required. Signs shall have a reflective surface and lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 14. Chapter 14 is amended to add Section 1419 Demolition of structures as follows: Section 1419 Demolition of structures.

1419.1 Construction documents. Construction documents and schedule for demolition must be submitted to the fire code official when required by the building code official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved by the same.

1419.2 Permits. A permit is required to conduct demolition operations, see Section 105.7.15.

I. Chapter 27, Hazardous Materials — General Provisions. Chapter 27 is amended as follows:

2701.1 Exceptions is amended to add Exception 11 to read as follows:

11. When, in the opinion of the fire code official, the quantity of a hazardous material does not limit its potential threat to life and/or property, the requirements of Chapter 27 may be applied.

2701.1 Scope. Section 2701.1 is further amended by adding subsections 2701.1.2 and 2701.1.3 as follows:

2701.1.2 Coordinated enforcement. Where the Solano County Department of Environmental Health is enforcing the Health and Safety Code and/or Solano County regulation, the City of Dixon Fire Department will coordinate regulation efforts when and where practical so as to not require duplication of time and resources to comply with hazardous material regulations. Where Solano County Health & Safety regulations and California Fire Code regulations conflict, the more restrictive provisions shall prevail.

Exception: Where state or county regulations specifically limit or pre-empt local regulations to be more restrictive.

2701.1.3 Established limits. The storage of hazardous materials and maximum quantity

onsite is prohibited within the limits established by law as the limits of City of Dixon Fire Department in which such storage is prohibited; see Dixon Municipal Code Section 16.02.040.

2701.5.1 Hazardous materials management plan (HMMP). Section 2701.5.1 is amended by adding subsection 2701.5.1.1 as follows:

2701.5.1.1 Alternate hazardous material management plan (HMMP). Hazardous material management plans required by the Solano County Department of Environmental Health may be accepted in lieu of plans required by Section 2701.5.1.

2701.5.2 Hazardous materials inventory statement. Section 2701.5.2 is amended by adding subsection 2701.5.2.1 as follows:

2701.5.2.1 Alternate hazardous material inventory statement. Hazardous material inventory statements required by the Solano County Department of Environmental Health may be accepted in lieu of statements required by Section 2701.5.2.

2701.5 Permits is hereby amended by adding subsection 2701.5.3 as follows:

2701.5.3 Emergency response support information. Where required by the fire code official, additional information may be required to facilitate emergency responses to facilities, buildings, areas, and rooms, which contain hazardous materials. KNOX cabinets may be required *outside* of facilities or buildings to limit emergency responder's risk in obtaining floor plans, material safety data sheets, and/or other information. Information may be required in a specific electronic media format to facilitate computer aided dispatching, or fire department needs.

2703.9.1 Personnel training and written procedures. Section 2703.9.1 is amended to add Section 2703.9.1.2 as follows:

2703.9.1.2 Documentation. Documentation of personnel training and written procedures that comply with state and federal regulations will be accepted as complying with this code. Said documentation shall be maintained and available for inspection by fire department personnel.

J. Chapter 30, Compressed Gasses. Chapter 30 is amended as follows:

3001.1 Scope. Section 3001.1 is amended to add Section 3001.1.1.

3001.1.1 Established limits and maximum capacity. The storage of CNG is prohibited within the limits established by law as the limits of the City of Dixon in which such storage is prohibited (See Dixon Municipal Code Section 16.02.050). The aggregate capacity of any one installation shall not exceed 183,000 cubic feet.

K. Chapter 32, Cryogenic Fluids. Chapter 32 is amended as follows:

3201.1 Scope. Section 3201.1 is amended to add Section 3201.1.1.

3201.1.1 Established limits. The storage of flammable cryogens is prohibited within the limits established by law as the limits of the City of Dixon in which such storage is prohibited (see Dixon Municipal Code Section 16.02.060).

3204.3 Outdoor Storage. Section 3204.3 is amended to read:

3204.3 Outdoor Storage. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of the City of Dixon (see Dixon Municipal Code Section 16.02.070).

L. Chapter 33 Explosives and Fireworks. Chapter 33, is amended to add Sections 3301.2, 3301.3, 3301.3.1, 3301.4, as follows:

3301.2 Fireworks. Possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the City of Dixon are prohibited.

Exceptions:

1. Firework storage within the jurisdiction of the City of Dixon is limited to aerial fireworks in conjunction with an approved and permitted aerial display, see also Section 3301.4.
2. Snap Caps and Party Poppers as classified by the Office of the State Fire Marshal as pyrotechnic devices.

3301.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of California Code of Regulations, Title 19, and when appropriate NFPA 1122, NFPA 1125, and NFPA 1127.

3301.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 40 and NFPA 490.

Exception: Storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

3301.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale.

3308 Fireworks display. Section 3308 is amended by adding Sections 3308.2, 3308.2.1, and 3308.3 as follows:

3308.2 Permit required. Permits to conduct an aerial display shall be required as set forth in Section 105.6.51 and regulated in accordance with California Code of Regulations, Title 19, Chapter 6 and this section.

3308.2.1 Prohibited and Limited Acts. Storage of explosive materials is prohibited within the limits established by law as the limits of the City of Dixon (see Dixon Municipal Code Section 16.02.080).

3308.3 Financial responsibility. Before a permit is issued, as required by Section 3308.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

M. Chapter 34, Flammable and Combustible Liquids. Chapter 34 is amended as follows:

3404.2.9.5.1 Locations where above-ground tanks are prohibited. Section 3404.2.9.5.1 is added to read as follows:

3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of the City of Dixon (see Dixon Municipal Code Section 16.02.090.A).

Exception: Protected aboveground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size not to exceed 500 gallons for either Class I or II liquids or 1,000 gallons for Class III liquids.

3406.4 Bulk plants or terminals. Section 3406.4 is amended to add Section 3406.4.5.1 as follows:

3406.4.5.1 Established limits. Bulk plants or terminals for receiving or storage of flammable or combustible liquids are prohibited within the limits established by law as the limits of the City of Dixon (see Dixon Municipal Code Section 16.02.090.B).

3406.5 Bulk transfer and process transfer operations. Section 3406.5 is amended to

add Section 3406.5.1.1.1 as follows:

3406.5.1.1.1 Established limits Bulk transfer and process transfer operations for receiving or transferring flammable or combustible liquids are prohibited within the limits established by law as the limits of the City of Dixon (see Dixon Municipal Code Section 16.02.090.C).

N. The following provisions of the "Referenced Standards," as adopted pursuant to Chapter 47 of the California Fire Code are amended as follows:

1. NFPA 13, 2010 Edition, is amended as follows:

a. Chapter 8.1 Basic is amended to add subsection 8.1.3 as follows:

8.1.3 System risers shall be located in fire control rooms of the protected premises with an exterior door. The door shall be labeled FIRE CONTROL ROOM in six inch high letters.

b. Chapter 8.3.3.1 is hereby revised as follows:

8.3.3.1 When fire sprinkler systems are installed in buildings of undetermined use (Spec Buildings) other than warehouses (S Occupancies), fire sprinklers of the quick response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the building permit was issued. Sprinklers in light hazard occupancies shall be one of the following: (See NFPA 13, 2010 Edition, and Chapter 8.3.3.1 for remainder of text.)

O. Chapter 11.1.3 is hereby added as follows:

11.1.3 When fire sprinklers are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group II use, with no reductions in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 12.3.2.1.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the building permit was issued. Where a subsequent occupancy requires a system with a greater capability, the appropriate modifications shall be made.

2. NFPA 13D, 2010 Edition, is amended as follows:

a. 7.14 is added as follows:

7.1.4 Sprinkler risers are to be located in the exterior wall of the garage. In cases where this is not applicable the riser shall be located in a location approved by the fire code official.

b. Chapter 7.6 is hereby deleted in its entirety and a new Chapter 7.6 is added to read as follows:

7.6 Exterior alarm indicating device shall be listed for outside service and audible from the street from which the house is addressed. Exterior audible devices shall be placed on the front or side of the structure and the location subject to the final approval of the fire code official. Additional interior alarms devices shall be required to provide audibility throughout the structure. Sound levels in all sleeping areas shall be at least 15 db above the average ambient sound level but not less than 70 db. Audible devices shall be powered by an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Exception #1: when an approved water flow monitoring system is installed, interior audible devices may be powered through the alarm panel.

Exception #2: When smoke alarms specified under CBC 310.9 are used to sound an alarm upon water flow switch activation.

c. Chapter 8.6.4. is hereby revised as follows:

8.6.4 Sprinklers shall not be required in open porches, carports, and similar open structures. A pilot head shall be installed in the attic area, over the HVAC if so equipped (otherwise at a location approved by the fire code official).

d. Chapter 8.6.4.1 is hereby revised as follows:

8.6.4.1 Attached garages, or other structures which are attached in any manner shall be protected with a sprinkler system. It shall have quick response fire sprinklers spaced to provide a maximum of 130 SF. The diameter of the main or cross-main piping shall be equal to the largest piping used within the whole system.

3. NFPA 13R, 2010 Edition, is amended as follows:

a. Chapter 6.1.1.2 is amended to read as follows:

6.1.1.2 Fire department connections shall be a minimum 2 1/2 inch. For buildings served by a separate fire service system a standard double 2 1/2 inch fire department connection shall be provided.

4. NFPA 14, 2010 Edition, is amended to read as follows:

a. Chapter 7.3.1 is hereby deleted and replaced as follows:

7.3.1 Hose connection height Class I and III standpipe hose connections shall be unobstructed and shall not be located less than 24 inches or more than 48 inches

above the finished floor. Class II standpipes are not approved.

5. NFPA 24, 2010 Edition, is amended to read as follows:

a. Chapter 5.9.5.1. Is hereby revised as follows:

5.9.5.1 Fire Department Connections are to be located on the front side of the building so they are immediately adjacent to an approved access road.

6. NFPA 72, 2010 Edition, is amended as follows:

a. Section 10.14.2.5. Installation and Design. Section 10.14.2.5 is added as follows:

10.14.2.5. Fire Alarm Control Unit Locations. Fire alarm control units shall be installed in common areas of the protected premises with regards to firefighter access and located in proximity to the main building entrance actual location to be determined by the fire code official. Site maps are to be provided indicating the locations of all devices.

O. Appendix C. Fire Hydrant Locations and Distributions.

Appendix C, Table C105.1, footnote F is added to read as follows:

Fire hydrants are to be within 40 feet of a Fire Department Connection (FDC).

P. Appendix H. Hazardous Materials Management Plans and Hazardous Materials Inventory Statements.

a. Appendix H Hazardous Materials Management Plans and Hazardous Materials Inventory Statements H1.1 is amended to add a new exception 3 to read as follows:

3. Hazardous material management plans and inventory statements as required by the Solano County Department of Environmental Health may be accepted in lieu of this Appendix. (Legislative History Ord. No. 07-023; 08-001; 11-001.)

16.02.110. Appeals.

Whenever the fire code official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal within 30 days the fire code official's decision, to a Board of Appeals established in accordance with Appendix A of the California Fire Code. (Legislative History Ord. No. 07-023; 11-001.)

16.02.120. Penalties.

A. Any person who violates any of the provisions of this Chapter or the California Fire Code as adopted by reference and amended herein, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed one (1) year, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Legislative History Ord. No. 07-023; 11-001.)

16.02.130 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-023.)

Chapter 16.03 Building Code

Sections:

- 16.03.010 Title.**
- 16.03.020 Adoption of Building Codes.**
- 16.03.030 Amendment of Adopted Codes.**
- 16.03.040 Penalties.**
- 16.03.050 Administrative Citations.**

16.03.010 Title.

This chapter shall be known and cited as the "Dixon Building Code" and may hereinafter be referred to as such or "this code." Article, Section, Division, and Appendix numbers used in Section 16.07.030 are those of the California Building Code or codes adopted therein by reference. (Legislative History Ord. No. 07-019; 11-001.)

16.03.020 Adoption of Building Codes.

Those certain Codes and Standards known as the 2010 California Building Code, Title 24, California Code of Regulations, Part 2, (hereinafter the California Building Code or CBC), which incorporates and amends by reference the 2009 International Building

Code (IBC) published by the International Code Council, Appendices Chapter 1, C, I and J, are hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.03.030 of this Chapter. Not less than two (2) copies of the CBC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.03.030 Amendment of Adopted Codes.

Notwithstanding the provisions of Section 16.03.020, the CBC and the IBC are amended as follows:

A. Section 105.5 is amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. For the purpose of this section, work shall be considered abandoned if a required inspection has not been recorded and approved within 180 days after permit issuance.

B. Section 109.2 amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the established fee schedule as adopted by the City of Dixon. The fee schedule is based upon the current cost construction valuation established by either taking the actual contract price for such work or shall be determined by the use of the latest publication of "Building Valuation Data," or equivalent as published by the International Code Council. The "Building Valuation Data" shall be periodically modified to meet the inflationary costs associated with labor and material increases which are found in the "Building Cost Index" tables printed in the Engineering New-Record published by The McGraw-Hill Companies.

C. Section 109.2.1 is added to read as follows:

109.2.1 Plan review fees. When submittal documents are required by other sections of this code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees shall be 65 percent of the building permit fees as indicated in Section 109.2 the Dixon Building Code.

D. Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing systems before

obtaining the necessary permits as required by this Code, shall be subject to an investigation fee established by the building official that shall be assessed in addition to the required permit fees established by other sections of this Code. The investigation fee shall be equal to the amount of the permit fee required by this Code and shall be collected whether or not a permit is then or subsequently issued.

E. Section 406.1.3.1 is added to read as follows:

Section 406.1.3.1, Concrete Driveways and Asphalt Paving.

A. All concrete driveways designed to access Group U occupancies associated with private garages or carports shall be constructed with the following requirements:

1. The minimum thickness of concrete driveway slabs supported directly on the ground shall not be less than 4 inches.
2. The minimum concrete mix shall be 5 sacks per cubic yard of concrete.
3. The concrete driveway shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate installed at mid height of the slab.
4. The concrete driveway shall be underlain by a minimum of three inches of gravel base material.

B. Asphalt Paving.

1. The minimum structural section of on-site asphalt paving shall be 3 inches of asphalt concrete over 8 inches of Class II aggregate base.
2. The Class II aggregate base shall be compacted to a minimum 95% over subgrade compacted to 92 %.
3. In shipping areas, or other areas paved in anticipation of regular truck traffic, the minimum structural section shall be based upon the recommendations of the certified soils engineering report according to an appropriate traffic index for the anticipated use.

F. Section 704.4.2 is added to read as follows:

Section 704.4.2, Fire Rating.

Wood shingles, wood shakes, or other wood materials applied as exterior wall covering shall be fire rated as >Class B. or better, in accordance with SFM STD 12-7A-1. All wood shingle or wood shake re-siding exceeding 25% of the siding area shall have a minimum >Class B. rating.

G. Section 1406.1.1 is added to read as follows:
Section 1406.1.1, Fire Rating.

Wood shingles, wood shakes, or other wood materials applied as exterior wall covering shall be fire rated as >Class B or better, in accordance with SFM STD 12-7A-1. treated in accordance with the U.B.C. Standard 23.5. All wood shingle or wood shake re-siding exceeding 25% of the siding area shall have a minimum >Class B rating.

H. Section 1505.1.3 is amended to read as follows:

Section 1505.1.3, Roof coverings within all other areas:

Wood shingles, wood shakes, or other wood materials applied as roof covering shall be fire rated as >Class B or better, in accordance with ASTM D 2898 and ICC-ES EG107.

I. Section 1910A.1 is amended to read as follows:

Section 1910A.1, Concrete Slabs.

A. The minimum thickness of concrete floor slabs supported directly on the ground shall not be less than 4 inches.

B. The minimum concrete mix shall be 5 sacks per cubic yard of concrete.

C. The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate installed at mid height of the slab. (Legislative History Ord. No. 07-019; 09-008; 09-015; 11-001.)

16.03.040 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative

finances or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.03.050 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.04 Grading Control

Sections:

- 16.04.010 Short Title.**
- 16.04.020 Purpose and Scope.**
- 16.04.030 Abatement – Public Nuisance.**
- 16.04.040 Grading Permits Required – Applications.**
- 16.04.050 Denial of Grading Permit.**
- 16.04.060 Expiration of Grading Permit.**
- 16.04.070 Approved Plans.**
- 16.04.080 Liability.**
- 16.04.090 Transfer of Permits.**
- 16.04.100 Bonds Required.**
- 16.04.110 Grading Standards.**
- 16.04.120 Chapter Not Retroactive**

16.04.010 Short Title.

This Chapter shall be known and may be cited as the “Grading Control Ordinance.” (Legislative History Ord. No. 04-006.)

16.04.020 Purpose and Scope.

A. Purpose.

This Chapter is enacted to regulate grading on property within the City in order to accomplish the following purposes:

1. To safeguard life, health, property, and natural resources, and to promote the general public welfare. Provided, however, this Chapter is not intended to, and shall not be construed so as to, create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms;
2. To ensure that the intended use of a graded site is consistent with the policies of the General Plan and all applicable City ordinances and regulations;

3. To establish uniform engineering standards and procedures for grading, excavation and earthwork construction, including fills and embankments, and to allow reasonable deviations from these standards;
4. To establish administrative procedures for the issuance of permits and provide for the approval of plans, specifications, and the inspection of grading construction;
5. To supplement the grading regulations within the Dixon Building Code;
6. To avoid the disruption of natural or City authorized drainage flows caused by the activities of clearing and grubbing, grading, filling and excavation of land;
7. To avoid the degradation or pollution of watercourses with nutrients, sediments, or other materials generated by new development and redevelopment;
8. To minimize increases in storm water runoff from development and redevelopment in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
9. To meet the requirements of state and federal law and the City's municipal storm water National Pollutant Discharge Elimination System ("NPDES") permit.

B. Scope.

This Chapter sets forth rules and regulations to control land disturbances, landfill, soil storage, pollution, and erosion and sedimentation resulting from new development and redevelopment, and establishes procedures for the issuance, administration and enforcement of permits for such activities. Except otherwise provided in this Chapter, all grading shall conform to the provisions of this Chapter and all other applicable provisions of the Dixon Municipal Code and the Code of the City of Dixon.

C. Definitions.

To the extent not inconsistent with the Clean Water Act, the Porter-Cologne Act or the implementing regulations of those acts, the words used in this Chapter shall have the meanings assigned to them in this section. If not defined in this section, they shall have the meaning assigned to them in the Uniform Building Code, as such code is adopted by the City.

"Applicant" means any person seeking or receiving a grading permit pursuant to this Chapter;

“Best Management Practices” (“BMPs”) means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

“City” means the City of Dixon.

“City Council” means the City Council of the City of Dixon.

“Civil engineer” means a professional engineer registered and certified by the State of California.

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as it now exists or may hereafter be amended.

“Compaction” means the increase of density of a soil or rock fill by mechanical means.

“Construction Activity” means activities subject to National Pollutant Discharge Elimination System (NPDES) construction permits. These include all construction projects resulting in land disturbance of one (1) or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

“Cut” or **“excavation”** means the removal of naturally occurring materials by manual or mechanical means, and the conditions resulting therefrom.

“Development” means the building or placement of any structure or portion thereof, including, but not limited to, excavation and grading.

“Earth material” means any rock, natural soil or fill and/or any combination thereof.

“Embankment” or **“fill”** means the deposit of soil, rock or other materials placed by artificial means and the conditions resulting therefrom.

“Emergency Grading” means grading that is a response to an occurrence or a situation that involves a clear and imminent danger, requiring immediate action to prevent or reduce the loss or damage to life, health, property or essential public services.

“Engineered Grading” means grading in excess of 5,000 cubic yards, and all grading for permanent correction of a landslide, rockslide, mud flow, debris flow, or other failure of earth or rock, and not of an emergency or maintenance nature.

“Engineering Geologist” means an engineering geologist registered and certified by the State of California.

“Erosion” means the transport or displacement of the ground surface or soil as a result of the movement of wind, water or ice.

“Erosion control” means measures that prevent erosion, including, but not limited to, seeding, mulching, vegetative buffer strips, sod, plastic covering, burlap covering, watering and other measures which control the movement of the ground surface or soil.

“Erosion and Sediment Control Plan” (“ESC plan”) means a set of best management practices or equivalent measures designed to control surface runoff and erosion, retain sediment on a particular site, and prevent pollution of site runoff during the period in which preconstruction and construction related grading and/or soil storage occur, and before final improvements or permanent structures are completed.

“Exploratory Grading” means grading for the purpose of determining conditions on a site.

“Export” means the hauling of natural earth materials from a site.

“Finished Grading” means the final elevation of the site which conforms to the approved grading plan. This includes the finished pad elevation of all buildings, and the final elevations of building access, non-building structures, paving and landscaping associated with a project.

“Geologic Hazards” means any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to movement, failure, or shifting of earth. For the purposes of this Chapter, soil conditions which endanger or potentially endanger life, limb, or property, or which, in the opinion of the Building Official, may lead to structural defects in structures located on or adjacent to soils having such conditions, shall be considered geologic hazards. Such geologic hazards include, but need not be limited to, faults, landslides, mud slides, and rockfalls; erosion and sedimentation; subsidence or settlement, and weak, expansive, or creeping soil.

“Grade” means the elevation of the ground surface as measured from a known vertical control.

“Grading” means the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations performed by or controlled by human activity involving the physical movement of rock or soil.

“Import” means the hauling of natural earth materials to a site.

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits” means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act and the Porter-Cologne Act. The California Regional Water Quality Control Board, Central Valley Region and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

“Pad Elevation, Graded” means the finished grade elevation of the building pad area for a residential or non-residential structure and does not include areas for parking, landscaping, or other non-building structure uses.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

“Porter-Cologne Act” means California Water Code section 13000 *et seq.*, as it now exists or may hereafter be amended.

“Person” means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

“Post Construction Erosion and Sediment Control Plan” (“PC Plan”) means a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site after all final structures and permanent improvements have been erected or installed.

“Property Owner” means the legal owner of the property where the grading work is to be done, as shown on the latest equalized assessment roll in the office of the Solano County Assessor.

“Rough Grading” means the stage at which the grade approximately conforms to the approved plans, and structure foundation areas are at plan or sub-base foundation grade.

“Regular Grading” means grading involving 5,000 cubic yards or less or grading of an emergency or maintenance nature, and not for permanent correction, of a landslide, rockslide, mud flow, debris flow, or other failure of earth or rock.

“Runoff” means surface water runoff and drainage related to storm events, snow melt,

street wash water related to street cleaning or maintenance, and other waters associated with new development and redevelopment which are or may be introduced into the storm drain system.

“**Sediment**” means any material transported or deposited by water, including, but not limited to, soil debris or other foreign matter.

“**Sediment control**” means measures that prevent eroded sediment from leaving the site, including, but not limited to, dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures.

“**Site**” means a parcel or parcels of real property owned by one or more than one person on which activity regulated by this division is occurring or is proposed to occur.

“**Slope**” means an inclined ground surface the inclination of which may be expressed as the ratio of horizontal distance to vertical distance.

“**Soil**” means all earth material of any origin that overlies bedrock and may include the decomposed zone of bedrock which can be excavated readily by mechanical equipment.

“**Soils Engineer**” means an engineer registered in the State of California as being qualified to practice soils and geotechnical engineering.

“**Soils Engineering**” means the application of the principles of soil mechanics in the investigation, evaluation, design, and construction of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

“**Storm Drain System**” means the publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

“**Storm Water**” means any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

“**Verification**” means a written document prepared by the civil engineer, soils engineer or engineering geologist, as appropriate, attesting to completion of the work as shown on the approved plans and/or as described in a soils or geotechnical report.

“**Watercourse**” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, including, but not limited to, rivers, creeks, runs, and rivulets. (Legislative History Ord. No. 04-006; 09-005; 09-013.)

16.04.030 Abatement –Public Nuisance.

A. Any excavation, embankment, or fill on private property which is in a condition that could, in the opinion of the Building Official, City Engineer or the Director of Public Works, endanger persons or property, an overhead or underground utility, a public way, watercourse or drainage channel or swale, or which could adversely affect the water quality of any water bodies or watercourses, is hereby declared to be a public nuisance.

B. The owner of the property upon which such a public nuisance is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official, City Engineer or the Director of Public Works, shall, within the period specified therein, repair, abate or eliminate such nuisance so as to be in conformance with the requirements of this Chapter. The Building Official, City Engineer or the Director of Public Works may require the submission of plans, soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any work or activity proposed or required to correct such condition.

C. The provisions of this section regarding abatement are in addition to, and not in lieu of, the provisions of Chapter 9.01 (relating to abatement of public nuisances). (Legislative History Ord. No. 04-006.)

16.04.040 Grading Permits Required - Applications.

A. Permit Required.

It is unlawful to undertake any of the following grading activities without a grading permit issued by the Building Official:

1. Grading, filling or excavating, or disposing of earth, fill, or dirt involving 350 cubic yards or more of such materials.
2. Clearing or grubbing 1 acre or more of land.

B. Application.

An application for a grading permit pursuant to this Chapter shall be submitted on a form specified by the Building Official or the City Engineer, as appropriate, and shall include, but not be limited to, the following:

1. The name, address and other contact information for the applicant, and the location of the site on which grading is to occur.
2. The name, address and other contact information for the owner of the site on which grading is to occur, if different from the applicant, and written authorization by the owner for the applicant to submit the application and perform the grading.

3. Payment of the grading permit fee as specified by resolution of the City Council;
4. Plans and specifications for the proposed grading as required by the Building Official or City Engineer;
5. A soils engineering report or engineering geology report if required by the Building Official or City Engineer;
6. In the case of construction activity subject to NPDES permitting requirements, an Erosion and Sediment Control Plan (ESC plan). The ESC plan shall include sufficient engineering analysis to show that the proposed erosion and sediment control measures during the period when preconstruction and construction related grading activities are to occur are capable of controlling surface runoff and erosion, retaining sediment on the project site, and preventing pollution of site runoff in compliance with the Clean Water Act, this Chapter and such standards and specifications as may be adopted by the City. The ESC plan shall include, but is not limited to:
 - a. A natural resources map identifying the location of on-site and surrounding watercourses and wetlands, existing and proposed drainage systems, and drainage boundaries and acreages. Additional hydrologic analysis shall be provided as required by the Building Official;
 - b. A sequence of construction of the site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation;
 - c. All erosion and sediment control measures necessary to meet the objectives of this Chapter throughout all phases of construction, including, but not limited to, the location, implementation and maintenance schedule of all erosion control measures and sediment control measures to be implemented or constructed prior to, during or immediately after construction. Depending on the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
 - d. If construction will occur between October 1st and April 30th, a certification that the applicant is prepared for an event which will stop construction, such as rain or snow, that all ESC plan best

management practices shall be in place and operating correctly, that housekeeping practices shall be maintained and that the site can be left or abandoned safely for an extended period of time during the rainy season without causing any erosion or sediment control problems. If such a certification is required and has not been submitted and approved prior to September 16th, approval of the grading permit shall be suspended until the certification is submitted and approval thereof obtained.

- e. At the discretion of the Building Official, the applicant may be required to submit periodic progress reports on specified calendar dates and at the commencement and completion of specified grading and erosion and sediment control operations, documenting the applicant's compliance with the ESC plan as approved.
7. In the case of construction activity subject to NPDES permitting requirements, a Post Construction Erosion and Sediment Control Plan (PC plan). The PC plan shall include sufficient engineering analysis to show that the proposed post construction storm water management measures are capable of controlling runoff from the site in compliance with the Clean Water Act, this Chapter, and such standards and specifications as may be adopted by the City pursuant to this Chapter. The PC plan shall include, but is not limited to:
- a. A statement of the proposed best management practices to be used to secure the project after completion;
 - b. Provisions for maintenance of all permanent storm water management facilities, including, but not limited to, a description of the parts or components of the facility that need to be maintained; the equipment and/or skills or training necessary for such maintenance; an estimate of the cost(s) of maintenance; and any necessary easements, maintenance agreements and/or other legal instruments to ensure access to such facilities on a permanent basis;
 - c. A landscaping plan for management of vegetation at the site after construction is completed, including, but not limited to, the name and address of the person who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved on a permanent basis.
8. Any other data or supporting documents as required by the Building Official.
9. Any grading application where the design volume of either the export or

import of earth material exceeds 5,000 cubic yards, shall include proposed travel routes for the transport of equipment and materials. For such approvals, the City Engineer, or his designee, shall review, determine, and designate those routes which will be allowable for trucks or other equipment of applicant or its contractors or subcontractors, agents, or employees doing work under the grading permit, traveling between the construction site and/or the excavation, landfill, or quarry sites. The use of these designated routes shall be a requirement of such a grading permit. The use of routes other than the designated routes by applicant or its contractors or subcontractors, agents, or employees doing work under such a grading approval shall be cause for the City Engineer to revoke or suspend the grading approval.

C. Technical Peer Review.

In application involving significant grade differentials or areas greater than 50 acres, the Building Official may require a technical peer review of the grading plans and related reports. The review shall be conducted by a professional engineer with a technical specialty in civil engineering, soils engineering, or geotechnical engineering, as determined by the Building Official. The review shall be under contract to the City and the applicant shall pay all costs associated with the peer review.

D. Referral of Application.

The Building Official may refer an application to the City Engineer Public Works Director, and/or other interested public agencies for their recommendations on the proposed grading.

E. Issuance of Grading Permit.

The issuance of the grading permit is a ministerial action. It shall be issued upon payment of an inspection fee, which shall be in addition to the application fee, as specified by City Council resolution, and the submission of the bonds required by this Chapter, provided that the Building Official makes the following determinations before issuing the permit:

1. That the proposed grading complies with the provisions of this Chapter.
2. That the grading complies with the applicable provisions of other ordinances of the City including, but not limited to:
 - a. The flood damage prevention ordinance (Chapter 13 of Article II of the Code of the City of Dixon).
 - b. The Storm Water Control Ordinance, Chapter 16.06 of this Code.
3. That the proposed grading complies with the applicable provisions of the

other local, state, or federal regulations, including but not limited to, streambed alteration permits, wetland delineations, and storm water discharge permits;

4. Where the proposed grading is on a site that has previously been the subject of a land development approval process under either or both the City's Subdivision Ordinance or Zoning Ordinance, that the proposed grading is in conformance with any conditions of approval resulting from such land development approval process.

F. Approved Plans in Lieu of Grading Permit.

Notwithstanding the provisions of section 16.04.040 requiring a separate grading permit, the grading plans contained within the stamped and approved building permit plans shall function as the grading permit, and a separate grading permit does not need to be issued pursuant to this Chapter.

G. Exceptions to Requirements for Grading Permit.

A grading permit is not required for the following activities:

1. Construction of swimming pools, basements or footings of structures authorized by a valid building permit.
2. Construction of underground utilities by a public utility or public agency or the contractor or agent of such public utility or public agency.
3. Construction of a single family house authorized by a valid building permit.
4. Grading necessary for production of agricultural crops.
5. Emergency situations posing a threat to life or property, including responses to flood, earthquake or fire.

(Legislative History Ord. No. 04-006.)

16.04.050 Denial of Grading Permit.

A grading permit shall not be issued by the Building Official if in his or her judgment the proposed grading does not comply with the provisions of this Chapter. The applicant shall be notified in writing the reasons why the application was disapproved. (Legislative History Ord. No. 04-006.)

16.04.060 Expiration of Grading Permit.

A. All work authorized by a grading permit shall be performed and completed within the time limit specified in the approved grading permit. If the work cannot be completed

within the time specified, a request for an extension of time setting forth the reasons for the requested extension shall be presented in writing to the Building Official, as appropriate, prior to the expiration of the grading permit. The Building Official may grant additional time for the work.

B. If a grading permit expires, no further grading shall be done without renewing the permit. The permit may be renewed by reapplying for a grading permit pursuant to this Chapter. Any costs associated for reviewing and renewing the permit shall be at the applicant's expense. (Legislative History Ord. No. 04-006.)

16.04.070 Approved Plans.

A. The approved plans and specifications upon which a grading permit has been based shall not be changed, modified, or altered without authorization from the Building Official and all work shall be done in accordance with the approved plans.

B. The issuance of a grading permit will not revoke or suspend the requirements of any other permit, final map, or parcel map, improvement plans or improvement contract, or the authority of any other agency or regulatory body having jurisdiction over the use or development of the land to be graded. The issuance of a grading permit hereunder shall not be construed as an approval of any action or condition constituting a violation of this Chapter or of any other applicable laws, ordinances, rules or regulations. (Legislative History Ord. No. 04-006.)

16.04.080 Liability.

Neither the issuance of a grading permit under this Chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property or impose any liability upon the City, or any officer, employee, board, commission or authority of the City, for any damage to any person or property. (Legislative History Ord. No. 04-006.)

16.04.090 Transfer of Permits.

No approval or permit issued hereunder may be transferred or assigned in any manner whatsoever without the express written consent of the Building Official or City Engineer, as appropriate. (Legislative History Ord. No. 04-006.)

16.04.100 Bonds Required.

A. Prior to the issuance of a grading permit, the applicant shall post a faithful performance bond, or other form of security, in a form approved by the City Attorney, to ensure that the grading will be completed in accordance with approved plans and specifications, will be corrected to eliminate hazardous conditions that may result, to clean up any debris left in the public right of way and to repair any damages that may occur. The bond may be released by the Building Official upon the satisfactory

completion of the grading and the clean up of the site.

B. Faithful performance bonds shall be in the penal sum of one hundred (100%) percent of the Building Official's estimate of the cost of the grading. The cost estimate shall include, but is not limited to:

1. The cost of cubic yards moved based on the volume of mass grading;
2. The cost of grading individual lots just prior to occupancy based on the volume of finished grading;
3. The cost of any drainage structure designed to protect slope stability;
4. The cost of all materials and labor associated with the installation and maintenance of the erosion control plan;
5. The cost of any construction required by the soils or geologic reports.

C. In addition to the faithful performance security required above, the City Engineer may require the deposit of a maintenance bond or security in the amount of ten (10%) of the estimate of the cost of grading to guarantee and maintain the grading work performed, to assure the proper functioning of drainage systems and to ensure adequate post construction erosion and sediment control. Said maintenance security shall be in a form acceptable to the City Attorney, and shall remain in effect for a period of one year after the date of acceptance of the grading work.

D. The requirements for separate security or bonds may be waived if the obligations are included in the terms of other security provided to the City under the terms of other ordinances.

E. Upon failure to complete the grading, failure to comply with all of the terms of this Chapter, or failure of the completed site to function properly or to provide proper drainage or erosion and sediment control as required hereunder, the City may, in addition to any other remedy available at law or in equity, do the required work, or cause it to be done and collect from the applicant or surety all costs incurred thereto, including administrative, legal and inspection costs. (Legislative History Ord. No. 04-006.)

16.04.110 Grading Standards.

All grading shall be subject to the following standards.

A. Cuts and Fills.

All fills shall be compacted according to the recommendations of the soils report if a soils report has been prepared. The compaction test method and the required relative compaction shall be indicated on the plans and/or specifications. The slope of cut or fill surfaces shall not be steeper than two to one, except as specifically approved by the

Building Official.

B. Drainage and Terracing.

Unless otherwise specifically approved by the Building Official, drainage facilities and terracing shall conform to the grading regulations of the Uniform Building Code.

C. Setbacks.

The tops and toes of cut and fill slopes shall be set back from existing or proposed property lines and existing or proposed structures as far as necessary to avoid impacting the neighboring properties, and to provide for adequate foundation support, required swales, berms and drainage facilities, contour grading, and applicable subdivision or zoning requirements. The minimum setbacks shall be in accordance with Dixon Building Code, as adopted by the City, however, those setbacks are minimum requirements and may be increased by the Building Official or City Engineer when it is determined that such additional requirement is necessary for stability of the site, for safety, or to prevent future damage from water, soil, or debris.

D. Erosion Control Measures.

All grading shall be subject to erosion control measures as required by the Building Official, as appropriate. Erosion control measures shall include the following:

1. Filter Materials. Filter materials shall be provided to prevent any debris and dirt from the construction activity from flowing into the City storm drain system;
2. Disturbed Areas. The faces of cut and fill slopes which accept overland or sheet flow or any cut or fill slope of erodible material over three feet in height shall have approved erosion control installed immediately following rough or finished grading between November 1 and April 30. Slopes graded between April 30 and November 1 shall have erosion control installed no later than November 1. The Building Official may require that moneys be deposited to ensure that the erosion control measures are installed by November 1. An approved erosion control plan or ESC plan may include effective planting or other erosion control devices and may require maintenance in a manner satisfactory to the City by means of contracts, deed restrictions, or other instruments approved by the City;
3. Other Devices. Check dams, sedimentation basins, cribbing, riprap, hydroseeding, or other devices or methods to control erosion and sediments shall be employed when necessary to provide safety and protect water quality;
4. Exceptions. Where cut and fill slopes are not subject to erosion due to the erosion-resistant character of the materials, the requirement for protection

specified under subsections (2) and (3) above may be deleted by the Building Official.

E. Dust and Debris Control Measures.

It shall be the responsibility of any person who engages in any grading to take adequate measures to prevent wind blown debris, including, but not limited to, cardboard, paper, soil, and any other construction materials capable of being carried by the wind, from being blown off the construction site.

F. Water Obstruction.

No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions, natural drainage ways, unimproved channels, watercourses, improved ditches, channels or conduits, in such a manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws, including, but not limited to, the provisions of this division.

G. Levee work.

No person shall excavate or remove any material from or otherwise alter any levee adjacent to any river, creek, bay, or local drainage control channel, without prior approval of the governmental agency or agencies responsible for the operation and/or maintenance of the levee. (Legislative History Ord. No. 04-006; 09-005; 09-013.)

16.04.120 Chapter Not Retroactive.

The provisions of this Chapter shall not apply to grading activities for which all previously necessary permits and approvals were obtained prior to the effective date hereof. (Legislative History Ord. No. 04-006.)

Chapter 16.05 Plumbing Code

Sections:

- 16.05.010 Title.**
- 16.05.020 Adoption of Plumbing Codes.**
- 16.05.030 Amendment of Adopted Codes.**
- 16.05.040 Penalties.**
- 16.05.050 Administrative Citations.**

16.05.010 Title.

This chapter shall be known and cited as the "Dixon Plumbing Code" and may hereinafter be referred to as such or "this code." Article, Section, Division, and Appendix

numbers used in Section 16.05.030 are those of the California Plumbing Code or codes adopted therein by reference. (Legislative History Ord. No. 07-019; 11-001.)

16.05.020 Adoption of Plumbing Codes.

Those certain Codes and Standards known as the 2010 California Plumbing Code, Title 24, California Code of Regulations, Part 5, (hereinafter the California Plumbing Code or CPC), which incorporates and amends by reference the 2009 Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials, including Appendices Chapter 1, A, B, D I and K, are hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.05.030 of this Chapter. Not less than two (2) copies of the CPC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.05.030 Amendment of Adopted Codes.

Notwithstanding the provisions of Section 16.05.020, the CPC and the UPC are amended as follows:

A. Section 108.4. Permits, Fees, Applications and Inspections is amended to read as follows:

103.8.4.2: Fees. Fees shall be assessed in accordance with the fee schedule adopted by the City Council. (Legislative History Ord. No. 07-019; 09-008; 11-001.)

16.05.040 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.05.050 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.06 Storm Water Control

Sections:

- 16.06.010 Short Title.**
- 16.06.020 Purpose and Intent.**
- 16.06.030 Definitions.**
- 16.06.040 Applicability.**
- 16.06.050 Responsibility for Administration.**
- 16.06.060 Regulatory Consistency.**
- 16.06.070 Ultimate Reasonability of Discharger – No City Liability.**
- 16.06.080 Prohibition of Illegal Discharges.**
- 16.06.090 Prohibition of Illicit Connections.**
- 16.06.100 Waste Disposal Prohibitions.**
- 16.06.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.**
- 16.06.120 Requirement to Prevent Control, and Reduce Storm Water Pollution.**
- 16.06.130 Requirement to Eliminate Illegal Discharges.**
- 16.06.140 Requirement to Eliminate or Secure Approval for Illicit Connections.**
- 16.06.150 Watercourse Protection.**
- 16.06.160 Requirement to Remediate.**
- 16.06.170 Requirement to Monitor and Analyze.**
- 16.06.180 Notification of Spills.**
- 16.06.190 Authority to Inspect and Sample.**
- 16.06.200 Notice of Violation.**
- 16.06.210 Appeal.**
- 16.06.220 Abatement by City.**
- 16.06.230 Summary Abatement.**
- 16.06.240 Violations.**
- 16.06.250 Diversion Programs.**
- 16.06.260 Violations Deemed a Public Nuisance.**
- 16.06.270 Acts Violations Clean Water Act and/or Porter-Cologne Act.**

16.06.010 Short Title.

This Chapter shall be known and may be cited as the “Storm Water Control Ordinance.” (Legislative History Ord. No. 04-006.)

16.06.020 Purpose and Intent.

The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of the citizens of the City of Dixon, and to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act and the Porter-Cologne Act by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Legislative History Ord. No. 04-006.)

16.06.030 Definitions.

The terms used in this Chapter shall have the following meanings ascribed to them in this section. Any term(s) defined in the Clean Water Act and/or the implementing regulations thereto, and which are not specifically defined in this section, shall, when used in this Chapter have the same meaning as set forth in said act or regulation.

“Best Management Practices” (“BMPs”) means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

“City” means the City of Dixon.

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended.

“Construction Activity” means activities subject to National Pollutant Discharge Elimination System (NPDES) Construction Permits pursuant to the Clean Water Act. These include construction projects resulting in land disturbance of one (1) or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

“Development” means the building or placement of any structure or portion thereof, including, but not limited to, excavation and grading.

“Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illegal Discharge” means any direct or indirect non-storm water discharge to the storm drain system.

“Illicit Connections” means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

“Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

“National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits” means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

“Non-Commercial Car Washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise is being conducted in the washing of those vehicles and no consideration is asked or received for such washing.

“Non-Storm Water Discharge” means any discharge to the storm drain system that is not composed entirely of storm water.

“Person” means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances (including chlorine) and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

“Pollution” means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act (California Water Code §13000 et seq.), as amended.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Storm Drain System” means the publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and which are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

“Storm Water” means any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, including, but not limited to, rivers, creeks, runs, and rivulets.

“Waters of the United States” mean surface watercourses and water bodies as defined at 40 CFR § 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons. (Legislative History Ord. No. 04-006.)

16.06.040 Applicability.

This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City, including any annexations to the City. (Legislative History Ord. No. 04-006.)

16.06.050 Responsibility for Administration.

The Public Works Director of the City shall administer, implement, and enforce the provisions of this division. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City. (Legislative History Ord. No. 04-006.)

16.06.060 Regulatory Consistency.

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any applicable implementing regulations. (Legislative History Ord. No. 04-006.)

16.06.070 Ultimate Responsibility of Discharger- No City Liability.

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. This Chapter does not either intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall not be construed so as to create liability on the part of the City, or any officer, employee, board, commission or authority of the City, for any damages that result from any discharger's reliance on this Chapter or any administrative decision made thereunder. (Legislative History Ord. No. 04-006.)

16.06.080 Prohibition of Illegal Discharges.

A. It is unlawful for any person to discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

B. Exceptions.

1. Discharges from the following activities will not be considered a source of pollutants to the storm drain system or to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to otherwise cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this Chapter:
 - a. potable water line flushing;
 - b. uncontaminated pumped groundwater and other discharges from potable water sources;
 - c. landscape irrigation and lawn watering;
 - d. diverted stream flows;
 - e. rising groundwater;
 - f. groundwater infiltration to the storm drain system;
 - g. uncontaminated foundation and footing drains;

- h. uncontaminated water from crawl space pumps;
 - i. air conditioning condensation;
 - j. uncontaminated non-industrial roof drains;
 - k. springs;
 - l. individual residential and occasional non-commercial car washing;
 - m. flows from riparian habitats and wetlands;
 - n. de-chlorinated swimming pool discharges;
 - o. street wash waters; and
 - p. flows from fire fighting.
2. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.
 3. With the written concurrence of the State Regional Water Quality Control Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S.

(Legislative History Ord. No. 04-006.)

16.06.090 Prohibition of Illicit Connections.

A. It is unlawful to construct, use or maintain illicit connections to the storm drain system.

B. This prohibition expressly includes illicit connections made prior to the effective date of this Chapter regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Legislative History Ord. No. 04-006.)

16.06.100 Waste Disposal Prohibitions.

It is unlawful for any person to throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition. (Legislative History Ord. No. 04-006.)

16.06.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer prior to or as a condition of approval of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. (Legislative History Ord. No. 04-006.)

16.06.120 Requirement to Prevent, Control, and Reduce Storm Water Pollution.

A. Authorization to Adopt and Impose Best Management Practices.

The City may adopt requirements or regulations identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

B. Annual Report Regarding Best Management Practices.

The Public Works Director shall report to the City Council annually on the status of implementation of BMP's, the pollutants of concern to be addressed the next year, and any new BMPs to be developed. BMP's developed under this program may thereafter be included in requirements or regulations adopted by the City Council.

C. New Development and Redevelopment.

All new development and redevelopment projects shall comply with Attachment 4 of California State Water Resources Control Board's Water Quality Order No. 2003-005-DWQ, as may be amended, supplemented or superseded. Furthermore, the City may adopt requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from new development

and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and development shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this Chapter, the Grading, Erosion, and Sediment Control Ordinance, Subdivision Ordinance and Zoning Ordinance.

D. Responsibility to Implement Best Management Practices.

Notwithstanding the presence or absence of requirements or regulations promulgated pursuant to subsections A, B or C of this section, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. (Legislative History Ord. No. 04-006; 08-009.)

16.06.130 Requirement to Eliminate Illegal Discharges.

The Public Works Director may by written notice require that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. (Legislative History Ord. No. 04-006.)

16.06.140 Requirement to Eliminate or Secure Approval for Illicit Connections.

A. The Public Works Director may by written notice require that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect to the storm drain system. The reconnection or reinstallation of the connection shall be at the responsible person's expense. (Legislative History Ord. No. 04-006.)

16.06.150 Watercourse Protection.

Every person owning property through which a watercourse passes, and having person, including lessees, having control of such property, shall keep and maintain that part of

the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner and person controlling such property shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. Provided, that the owner or person in control of the property shall not remove healthy bank vegetation beyond that reasonably necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within his or her property lines in order to protect against erosion and degradation of the watercourse originating or contributed from the property. (Legislative History Ord. No. 04-006.)

16.06.160 Requirement to Remediate.

Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or waters of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time. (Legislative History Ord. No. 04-006.)

16.06.170 Requirement to Monitor and Analyze.

The Public Works Director may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this division. (Legislative History Ord. No. 04-006.)

16.06.180 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City's Public Works Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department, Attention: Director of Public Works, within three business days of the phone notice. If the discharge of

prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Legislative History Ord. No. 04-006.)

16.06.190 Authority to Inspect and Sample.

A. Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City Attorney is authorized to seek an inspection warrant from any court of competent jurisdiction.

B. During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Legislative History Ord. No. 04-006.)

16.06.200 Notice of Violation.

Whenever the Public Works Director finds that any person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may issue a written notice of violation to the responsible person. Among other matters, such notice of violation may require:

- A. The performance of monitoring, analyses, and reporting;
 - B. The elimination of illicit connections or discharges;
 - C. That violating discharges, practices, or operations shall cease and desist;
 - D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - E. Payment of a fine to cover administrative and remediation costs; and
 - F. The implementation of source control or treatment BMPs.
- G. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director pursuant to section 16.06.220 and the expense thereof shall be charged to the violator. (Legislative History Ord. No. 04-006.)

16.06.210 Appeal.

Notwithstanding the provisions of section 16.06.220 below, any person receiving a Notice of Violation under Section 16.06.200 above may appeal the determination of the Public Works Director to the City Manager. The notice of appeal must be received by the City Manager within ten (10) calendar days from the date of service of the Notice of Violation. The decision of the City Manager or designee shall be final. (Legislative History Ord. No. 04-006.)

16.06.220 Abatement by City.

A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 16.06.210, within ten (10) days of the decision of the City Manager upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property.

B. Within thirty (30) days after abatement of the nuisance by City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within ten (10) days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

C. If the amount due is not paid within ten (10) days of the decision of the City Council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

D. The provisions of this section shall be in addition to the provisions of Chapter 9.01 of the Dixon Municipal Code relating to abatement of public nuisances, and any nuisances referred to in this Chapter may be abated using either process. (Legislative History Ord. No. 04-006.)

16.06. 230 Summary Abatement.

In the event of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public, the Public Works Director may undertake summary abatement pursuant to section 9.01.300. (Legislative History Ord. No. 04-006.)

16.06.240 Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter or to fail to comply with any notice of violation or order issued pursuant to this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor and may be punished as set forth in Section 1.06.050 of the Dixon Municipal Code. In addition, any such violation may be enforced pursuant to the Administrative Citations Ordinance, (Part 6 of Chapter 9.01 of the Dixon Municipal Code). (Legislative History Ord. No. 04-006.)

16.06.250 Diversion Programs.

In lieu of civil or criminal enforcement proceedings, penalties, or remedies authorized by this Chapter or other ordinances of the City, the Public Works Director may in his discretion offer a violator alternative diversionary programs, such as storm drain stenciling, attendance at compliance workshops, or creek cleanup. Attendance or participation in such diversion programs is voluntary; provided that failure to attend or participate as requested by the Public Works Director may, in the Director's discretion, result in other enforcement action. (Legislative History Ord. No. 04-006.)

16.06.260 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this division is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be undertaken by the City. (Legislative History Ord. No. 04-006.)

16.06.270 Acts Violating Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this Chapter or any regulation or requirement issued pursuant to this Chapter may also potentially be in violation of the Clean Water Act and/or the Porter-Cologne Act. This Chapter shall apply, and its penalties shall be in addition to those imposed under such acts. Any enforcement action authorized under this Chapter shall also include written notice of such potential liability. (Legislative History Ord. No. 04-006.)

Chapter 16.07 Mechanical Code

Sections:

- 16.07.010 Title.**
- 16.07.020 Adoption of Mechanical Codes.**
- 16.07.030 Amendment of Adopted Codes.**
- 16.07.040 Penalties.**
- 16.07.050 Administrative Citations.**

16.07.010 Title.

This chapter shall be known and cited as the "Dixon Mechanical Code" and may hereinafter be referred to as such or "this code." Article, Section, Division, and Appendix numbers used in Section 16.07.030 are those of the California Mechanical Code or codes adopted therein by reference. (Legislative History Ord. No. 07-019; 11-001.)

16.07.020 Adoption of Mechanical Codes.

Those certain Codes and Standards known as the 2010 California Mechanical Code, Title 24, California Code of Regulations, Part 4, (hereinafter the California Mechanical Code or CMC), which incorporates and amends by reference the 2009 Uniform Mechanical Code (UMC) published by the International Association of Plumbing and Mechanical Officials, including Appendices Chapter 1, A, B, C and D, are hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.07.030 of this Chapter. Not less than two (2) copies of the CMC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.07.030 Amendment of Adopted Codes.

Notwithstanding the provisions of Section 16.07.020, the CMC and the UMC are amended as follows:

A. Section 115.1 is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the fee schedule adopted by the City Council. All References to Table 1-1 in Subsections 115.1, 115.2, and 115.3 are hereby deleted. (Legislative History Ord. No. 07-019; 11-001.)

16.07.040 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or, any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall

constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.07.050 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.08 Building Standards Administrative Code

Sections:

16.08.010 Title.

16.08.020 Adoption of Building Standards Administrative Code.

16.08.010 Title.

This chapter shall be known and cited as the "Dixon Building Standards Administrative Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 07-019; 11-001.)

16.08.020 Adoption of Building Standards Administrative Code.

Those certain Codes and Standards known as the 2010 California Building Standards Administrative Code, Title 24, California Code of Regulations, Part 1, (hereinafter the California Building Standards Administrative Code or CBSAC), are hereby adopted by reference. Not less than two (2) copies of the CBSAC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.09 Energy Code

Sections:

16.09.010 Title.

16.09.020 Adoption of Energy Code.

16.09.030 Penalties.

16.09.040 Administrative Citations.

16.09.010 Title.

This chapter shall be known and cited as the "Dixon Energy Code" and may hereinafter

be referred to as such or "this code." (Legislative History Ord. No. 07-019; 11-001.)

16.09.020 Adoption of Energy Code.

Those certain Codes and Standards known as the 2010 California Energy Code, Title 24, California Code of Regulations, Part 6, (hereinafter the California Energy Code), are hereby adopted by reference. Not less than two (2) copies of the California Energy Code have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.09.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.09.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.10 Historical Building Code

Sections:

- 16.10.010 Title.**
- 16.10.020 Adoption of Historical Building Code.**
- 16.10.030 Penalties.**

16.10.040 Administrative Citations.

16.10.010 Title.

This chapter shall be known and cited as the "Dixon Historical Building Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 07-019; 11-001.)

16.10.020 Adoption of Historical Building Code.

Those certain Codes and Standards known as the 2010 California Historical Building Code, Title 24, California Code of Regulations, Part 8, (hereinafter the California Historical Building Code or CHBC), are hereby adopted by reference. Not less than two (2) copies of the CHBC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.10.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.10.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.11 Existing Building Codes

Sections:

- 16.11.010 Title.**
- 16.11.020 Adoption of Existing Building Codes.**
- 16.11.030 Penalties.**
- 16.11.040 Administrative Citations.**

16.11.010 Title.

This chapter shall be known and cited as the "Dixon Existing Building Code" and may hereinafter be referred to as such or "this code."
(Legislative History Ord. No. 07-019; 11-001.)

16.11.020 Adoption of Existing Building Codes.

Those certain Codes and Standards known as the 2010 California Existing Building Code, Title 24, California Code of Regulations, Part 10, (hereinafter the California Existing Building Code or CEBC), and by reference the 2006 International Existing Building Code published by the International Code Council, are hereby adopted by reference. Not less than two (2) copies of the CEBC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.11.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.11.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.12 Referenced Standards Code

Sections:

- 16.12.010 Title.**
- 16.12.020 Adoption of Referenced Standards Code.**
- 16.12.030 Penalties.**
- 16.12.040 Administrative Citations.**

16.12.010 Title.

This chapter shall be known and cited as the "Dixon Referenced Standards Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 07-019; 11-001.)

16.12.020 Adoption of Building Code.

Those certain Codes and Standards known as the 2010 California Referenced Standards Code, Title 24, California Code of Regulations, Part 12, (hereinafter the California Building Standards Referenced Standards Code or CRSC), are hereby adopted by reference. Not less than two (2) copies of the CRSC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.12.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.12.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.13 Housing Codes

Sections:

- 16.13.010 Title.**
- 16.13.020 Adoption of Housing Codes.**
- 16.13.030 Penalties.**
- 16.13.040 Administrative Citations.**

16.13.010 Title.

This chapter shall be known and cited as the “Dixon Housing Code” and may hereinafter be referred to as such or “this code.” (Legislative History Ord. No. 07-019.)

16.13.020 Adoption of Housing Codes.

In accordance with the requirements of the California Department of Housing and Community Development, the City hereby adopts by reference the State Housing Law Requirements set forth in California Code of Regulation, Title 25, Division 1, Chapter 1, Subchapter 1, Articles 1-7, with the exception that Sections 20 and 24(f)-(k) are not adopted by reference. (Legislative History Ord. No. 07-019.)

16.13.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued there under, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, not more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable times; and when not

otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019.)

16.13.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code)." (Legislative History Ord. No. 07-019.)

Chapter 16.14 Property Maintenance Code

Sections:

- 16.14.010 Title.**
- 16.14.020 Adoption of Property Maintenance Code.**
- 16.14.030 Penalties.**
- 16.14.040 Administrative Citations.**

16.14.010 Title.

This chapter shall be known and cited as the "Dixon Property Maintenance Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 07-019; 11-001.)

16.14.020 Adoption of Property Maintenance Code.

Those certain Codes and Standards known as the 2010 International Property Maintenance Code (IPMC) are hereby adopted by reference. Not less than two (2) copies of the IPMC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019; 11-001.)

16.14.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations

shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019; 11-001.)

16.14.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 07-019; 11-001.)

Chapter 16.15 Swimming Pool, Spa and Hot Tub Code

Sections:

- 16.15.010 Title.**
- 16.15.020 Adoption of Swimming Pool, Spa and Hot Tub Code.**
- 16.15.030 Penalties.**
- 16.15.040 Administrative Citations.**

16.15.010 Title.

This chapter shall be known and cited as the “Dixon Swimming Pool, Spa and Hot Tub Code” and may hereinafter be referred to as such or “this code.” (Legislative History Ord. No. 07-019.)

16.15.020 Adoption of Swimming Pool, Spa and Hot Tub Code.

Those certain Codes and Standards known as the 2006 Uniform Swimming Pool, Spa and Hot Tub Code (USPSHTC), are hereby adopted by reference. Not less than two (2) copies of the CMC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon, CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 07-019.)

16.15.030 Penalties.

Any person who violates any of the provisions of this Chapter or the coeds adopted by reverence and amended herein or fails to comply therewith, or who violates or fails to

comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, not more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. (Legislative History Ord. No. 07-019.)

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 07-019.)

16.15.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code)." (Legislative History Ord. No. 07-019.)

Chapter 16.16 Residential Code

Sections:

- 16.16.010 Title.**
- 16.16.020 Adoption of Residential Codes.**
- 16.16.030 Penalties.**
- 16.16.040 Administrative Citations.**

16.16.010 Title.

This chapter shall be known and cited as the "Dixon Residential Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 11-001.)

16.16.020 Adoption of Residential Codes.

Those certain Codes and Standards known as the 2010 California Residential Code, Title 24, California Code of Regulations, Part 2.5, (hereinafter the California Residential Code or CRC), and by reference the 2009 International Residential Building Code (IRC) published by the International Code Council, are hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.05.030 of this Chapter. Not less than two (2) copies of the CRC have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted

by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 11-001.)

16.16.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 11-001.)

16.16.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code). (Legislative History Ord. No. 11-001.)

Chapter 16.17 Green Building Code

Sections:

- 16.17.010 Title.**
- 16.17.020 Adoption of Green Building Code.**
- 16.17.030 Penalties.**
- 16.17.040 Administrative Citations.**

16.17.010 Title.

This chapter shall be known and cited as the "Dixon Green Building Code" and may hereinafter be referred to as such or "this code." (Legislative History Ord. No. 11-001.)

16.17.020 Adoption of Green Building Code.

Those certain Codes and Standards known as the 2010 California Green Building Code (hereinafter the CALGreen, Code), Title 24, California Code of Regulations, Part 11, is hereby adopted by reference save and except such portions as are deleted, modified or amended by Section 16.05.030 of this Chapter. Not less than two (2) copies of the CALGreen Code have been and are now filed in the Dixon Building Department, 600 East A Street, Dixon CA 95620. Said Code is adopted by reference pursuant to Section 50022, et seq., of the Government Code of the State of California. (Legislative History Ord. No. 11-001; 11-005.)

16.17.030 Penalties.

Any person who violates any of the provisions of this Chapter or the codes adopted by reference and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, unless the City Attorney determines the violation should be punished as an infraction. Misdemeanor violations shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in the county jail for a period of time not to exceed six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of any above mentioned penalty shall not be held to prevent the enforced removal of the prohibited conditions and/or the imposition of administrative fines or citations for the violation of the provisions of this Chapter if approved by the City Council. (Legislative History Ord. No. 11-001; 11-005.)

16.17.040 Administrative Citations.

In addition to any other enforcement mechanism prescribed by law, this chapter may be enforced by the issuance of administrative citations pursuant to the Administrative Citation Ordinance (Part 6 of Chapter 9.01 of Title 9 of the Dixon Municipal Code; 11-005). (Legislative History Ord. No. 11-001; 11-005.)

TITLE 17

SUBDIVISION REGULATIONS

Chapter 17.01 General

Sections:

- 17.01.010 Title and Reference.**
- 17.01.020 Relationship to General Plan and Other City Land Use Regulations.**
- 17.01.030 Purpose.**
- 17.01.040 Definitions.**
- 17.01.050 Appeals of Actions Taken Under this Title.**

17.01.010 Title and Reference.

This Title is adopted pursuant to Article XI, Section 7 of the California Constitution, and to supplement and implement the Subdivision Map Act, Government Code Section 66410, *et seq.*, and may be cited as the Subdivision Ordinance of the City of Dixon. (Legislative History Ord. No. 09-026.)

17.01.020 Relationship to General Plan and Other City Land Use Regulations

The regulations established by this Title are designed to assist in the systematic implementation of the General Plan, each applicable specific plan, the Zoning Ordinance, and other applicable City, State or Federal land use regulations, and to provide for public needs, health and safety, convenience, and general welfare of the residents of Dixon.

Neither the approval nor conditional approval of any lot line adjustment, tentative map, parcel map or final map shall constitute or waive compliance with any other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with other applicable provisions of the City Code or other applicable ordinances or regulations adopted by the City. Nothing in this Title shall be construed to permit the premature or haphazard subdivision of lands in violation of the General Plan, any applicable specific plans, and all applicable zoning and land use regulations. (Legislative History Ord. No. 09-026.)

17.01.030 Purpose.

It is the purpose of this Title to regulate and control the division of land within the City of Dixon, to the extent authorized by the Subdivision Map Act, and to supplement the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required

maps provided by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the City regarding the maps. To accomplish this purpose, the regulations contained in this Title are determined to be necessary to preserve the public health, safety and general welfare; to promote orderly growth and development of the City and to promote controlled residential growth, the provision of open space, the conservation, protection and proper use of land; and to ensure that provision is made in the approval of land divisions for adequate traffic circulation, drainage, sanitary sewers, parks, open spaces, utilities, and other public facilities and services.

In the event that the provisions of the Subdivision Map Act are inconsistent with the provisions of this Title, the provisions of the Subdivision Map Act shall prevail over the inconsistent provisions of this Title, it being the intent of the Council to supplement rather than revise or replace the provisions of the Subdivision Map Act in enacting this Title. (Legislative History Ord. No. 09-026.)

17.01.040 Definitions.

As a supplement to the definition of terms contained in Article 2 of Chapter 1 of the Subdivision Map Act, which definitions are hereby incorporated in this Title by reference, the following terms as used in this Title shall have the meanings ascribed to them herein:

“Alley” A public way, other than a street or highway, providing a secondary means of vehicular access to abutting property.

“Approving Authority” The public body of the City which has final approval authority under this Title for a specific action regulated by this Title. A public body or official has final approval authority under this Title even though its actions may be subject to appeal to the Commission or Council under the provisions of Section 17.01.050 of this Title.

“Building Site” Same as lot, as defined herein.

“Certificate of Compliance” A certificate issued by the Community Development Director under the provisions of Section 66499.35 of the Subdivision Map Act and Section 17.18.040 of this Title which states that a particular division of land complies with either the requirements of the Subdivision Map Act or the applicable ordinances of the City which governed that division of land, or both, and which is recorded with the County Recorder of Solano County.

“CEQA” The California Environmental Quality Act, Public Resources Code Section Sections 21000, *et seq.*

“City Clerk” The City Clerk of the City of Dixon or his or her designated

representative.

“City Code” The Dixon City Code.

“City Engineer” The City Engineer of the City of Dixon or the duly authorized representative of said Engineer.

“Commission” The Planning Commission of the City of Dixon.

“Community Apartment Project” A type of common interest development which is defined in Section 1351 of the California Civil Code.

“Community Development Director” The Community Development Director of the City of Dixon, or the duly authorized representative of said Director.

“Community Development Department” The Community Development Department of the City of Dixon.

“Conditional Certificate of Compliance” A certificate of compliance that states that a division of land affecting a parcel or lot does not comply with either the requirements of the Subdivision Map Act or the applicable ordinances of the City, or both, which governed that division and lists the conditions which must occur in order for the division to comply with such requirements.

“Conditional Use Permit” A permit issued by the City under the provisions of the City Zoning Ordinance which authorizes specific uses of land subject to certain conditions stated in that permit.

“Condominium Project” A type of common interest development which is defined in Section 1351 of the California Civil Code.

“Council” The City Council of the City of Dixon.

“County” The County of Solano.

“Covenant for Easement” A covenant created for the benefit of the City and others which is created, enforced and released as provided in Chapter 17 (Covenants for Easements) of this Title.

“Development Agreement” An agreement between the City and an owner of land under the provisions of Section 65864 *et seq.* of the Planning and Zoning Law which contains terms and conditions relating to the development of lands identified in that agreement.

“Drip Line” A line which may be drawn on the ground around a tree directly under

its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

“Dwelling Unit” A group of rooms or a single room with kitchen facilities occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone, irrespective of the age of the occupant or occupants.

“EIR” An environmental impact report prepared pursuant to the requirements of CEQA.

“Final Map” A map showing a subdivision of five or more parcels for which a tentative map and final map are required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title, and designed to be filed for recordation in the office of the Solano County Recorder.

“Finance Director” The Finance Director of the City of Dixon, or the duly authorized representative of said Director.

“Fire Protection” Such fire hydrants and other protective measures as may be reasonably required by the Fire Marshal of the Fire Department for protection of life and property to be located within a subdivision.

“Flag Lot” A lot with narrow street frontage and a long driveway or strip of land connecting the street frontage portion of the lot with the buildable portion of the lot which is situated to the rear of another adjacent lot or lots.

“Flood Hazard” A hazard to land or improvements due to seasonal inundation or to overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

“Freeway” A highway defined as a "freeway" in Section 23.5 of the Streets and Highways Code of the State of California.

“Frontage Road or Service Road” A street lying adjacent and approximately parallel to and separated from a freeway or other public street and which affords access to abutting property.

“General Plan” The General Plan of the City of Dixon, as the same may exist from time to time, including all updates and revisions thereto which are enacted after the enactment of this Title by the Council.

“Geological Hazard” A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements due to the movement, failure or shifting of earth.

“Inundation” Ponded water or water in motion of sufficient depth to damage property due to the presence of the water or to deposits of alluvium.

“Lot” A parcel of land which is identified on a final map or a parcel map recorded in the office of the Solano County Recorder with a separate and distinct number or letter.

“Lot Line Adjustment” A division of land in conformance with the requirements of this Title consisting of the elimination or relocation of an interior lot line between as few as two but not more than four adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

“Manufactured Home” A factory built or manufactured home including mobile homes, as defined and permitted as such by the laws of the State of California.

“Merger” The joining of two (2) or more contiguous parcels of land under one ownership into one (1) parcel.

“Mobile Home” The same as "Manufactured Home," but subject to the National Manufactured Housing Construction and Safety Act of 1974.

“Mobile-Home Lot” Any area designated, designed or usable for the occupancy of one mobile home on a temporary, semi-permanent or permanent basis.

“Mobile Home Park” A parcel of land under one (1) ownership which has been planned and improved; or on which two (2) or more mobile home spaces are rented, leased or used; to accommodate mobile homes for human habitation. The rental paid for any such Mobile home shall be deemed to include rental for the space it occupies. The term "Mobile home park" includes those accessory uses such as recreation rooms, storage facilities or other permanent structures commonly associated with Mobile home parks.

“Multiple-Family Dwelling Unit” A building or portion thereof designed to be used in accordance with the laws of the State of California and the ordinances of the City for three or more attached dwelling units located in one or more structures on a single lot or parcel.

“Negative Declaration” A negative declaration prepared pursuant to the requirements of CEQA.

“Parcel Map” A map showing a subdivision of four or fewer parcels, as required by the Subdivision Map Act and this Title, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be filed for recordation in the

office of the Solano County Recorder.

“Pedestrian way” A public right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind. A pedestrian way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic. A pedestrian way may consist of a public easement over a parcel of land in private ownership or may consist of a separate parcel in public ownership.

“Planned Development” A subdivision consisting of one or more planned developments as said term is defined in Business and Professions Code 11003.

“Post-Approval Subdivision Modification” A request by a subdivider for modifications to or variances from the requirements or standards imposed by these subdivision regulations or for modifications to the conditions of approval imposed upon a subdivision, or both, which request is filed after the approval of the subdivision.

“Pre-Approval Subdivision Modification” A request by a subdivider for modifications to or variance from the requirements or standards imposed by these subdivision regulations filed prior to the approval of the subdivision.

“Private Road Easement” A parcel of land not dedicated as a public street, over which a private easement for road purposes is proposed to be or has been granted to the owners of property contiguous or adjacent thereto which intersects or connects with a public street, or a private street; in each instance the instrument creating such easement shall be or shall have been duly recorded or filed in the office of the Solano County Recorder.

“Public Way” Any street, highway, alley, pedestrian way, equestrian or hiking trail, biking path, channel, viaduct, subway, tunnel, bridge, easement, right-of-way, or other way in which the public has a right of use.

“Revised Tentative Map” A tentative map filed for approval under Section 17.06.110 showing a revised arrangement of the streets, alleys, easements or lots or a modification of the boundary of property for which a tentative map has been previously approved.

“Right-of-way” Any public or private right-of-way and includes any area required for public use pursuant to any general plan or specific plan.

“Roadway” That portion of a right-of-way for a street, highway or alley designed or used to accommodate the movement of motor vehicles.

“Sanitary Disposal Facilities” Such wastewater collection and treatment facilities as are necessary to provide reliable and adequate wastewater disposal for

appropriate public use and appropriate residential, commercial, industrial use in conformance with the laws and regulations of the City of Dixon, State of California and Federal government.

“Single-Family Dwelling Unit” A detached building designed to be used in accordance with the laws of the State of California and the ordinances of the City as a single dwelling unit located on a single lot or parcel.

“Staff Review” The terms “staff review” or “review by City staff” shall mean review a matter by the Community Development Director and the City Engineer and such other officers or employees of the City as may be specifically requested to review a matter by either of said directors. The term “staff review” shall include, but not be limited to the following:

1. Making investigations and report on the design and improvement of all proposed subdivisions and making recommendations thereon to the Commission and Council.
2. Recommending approval, conditional approval, or disapproval of the design of proposed subdivisions and the kinds, nature and extent of on-site and off-site improvements required in connection therewith.
3. Recommending approval, conditional approval, or denial of tentative maps of all proposed subdivisions of land, and requests for extensions of time for tentative maps.
4. Recommending modifications of the requirements of this Title in accordance with the provisions of Chapter 13 (Subdivision Modifications).
5. Recommending disapproval of a tentative map for noncompliance with the requirements of this Title, the Subdivision Map Act, or the standards, rules or regulations adopted by the Commission pursuant to this Title.
6. Reviewing and making recommendations concerning proposed subdivisions in the unincorporated territory of the County of Solano in accordance with Section 66453 of the Subdivision Map Act when it has elected to do so.
7. Reviewing and making recommendations for reasonable modifications or waivers of the requirements of this Title as they apply to the development of designated infill sites.
8. Preparing and recommending the wording of conditions of approval or

conditions of disapproval and the wording of all findings made in connection therewith.

9. Exercising such additional powers and duties as prescribed by law and by this Title.

“Specific Plan” The term "Specific Plan" shall mean a “Specific Plan” as that term is defined and described in Chapter 3 of the Planning and Zoning Law of the State of California.

“Standard Specifications” The engineering design standards, details, general provisions, and materials and construction methods used by the City to design and construct public infrastructure which is periodically compiled by the City Engineer and approved by the Council by resolution.

“Stock Cooperative Apartment” A type of common interest development which is defined in Section 1351 of the California Civil Code.

“Storm Drainage Facilities” Such storm drainage collection and treatment facilities as are necessary to provide a reliable and adequate collection and disposal of storm and surface drainage water for streets and other public uses and for residential, commercial, and industrial uses in conformance with the laws and regulations of the State of California, the Federal government and other public agencies whose facilities are used for the disposal of storm and surface waters.

“Street, Collector” A street which collects and distributes vehicular traffic moving between major streets and minor streets and which may provide direct access to abutting properties.

“Street, Cul-de-Sac” A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For the purposes of this Title, the length of a cul-de-sac street shall be measured from the center line of the intersecting street along the center line of the cul-de-sac to the center of the radius of the turnaround.

“Street, Major” A street carrying the vehicular traffic of minor and collector streets to and from freeways, the central business district and other major streets, with protected intersections at grade; and may provide direct access to abutting property.

“Street, Minor” Any street other than a collector street, major street or freeway providing direct access to abutting property and serving local as distinguished from through traffic.

“Subdivision” This term shall have the meaning ascribed to it by Section 66424 of

the Subdivision Map Act.

“Subdivision Map Act” Subdivision Map Act shall mean the Subdivision Map Act of the State of California, Government Code Sections 66410 et seq., inclusive, as that Act currently provides or is subsequently amended to so provide.

“Tentative Map” A map made for the purpose of showing the design improvements of the proposed subdivision and the existing conditions in or around it. "Tentative map" shall include a tentative map for a subdivision of four or fewer parcels prepared in connection with a parcel map pursuant to the provisions of Chapter 8 (Parcel Maps), of this Title.

“Two-Family Dwelling Unit” A structure designed to be used in accordance with the laws of the State of California and the ordinances of the City as two dwelling units on a single lot or parcel.

“Vehicular Access Rights” The right or easement for vehicular access of owners or occupants of abutting lands to a public way.

“Vesting Tentative Map” A vesting tentative map shall mean a tentative map which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, in accordance with Section 17.09.050, and is thereafter processed in accordance with these provisions.

“Water Supply” Such water supply and distribution facilities as are necessary to provide a reliable and adequate water supply for appropriate residential, commercial and industrial use and for public and private fire protection purposes.

“Zoning Ordinance” The Zoning Ordinance found in Chapter 12 of Article II of the City Code of the City of Dixon and all revisions thereto. (Legislative History Ord. No. 09-026.)

17.01.050 Appeals of Actions Taken Under this Title.

Actions of a final nature which are taken by the Commission, Community Development Director and City Engineer which are made subject to appeal under the provisions of this Title or under provisions of the Subdivision Map Act shall be subject to appeal as hereinafter provided in this Section. A recommendation which is subject to approval by an Approving Authority is not an action of a final nature.

The subdivider or any interested person may file an appeal if an appeal is authorized by the provisions of this Title or by the provisions of the Subdivision Map Act. The amount of fees for any such appeal shall be fixed by resolution of the Council, which fees shall not exceed the reasonable costs to the City of conducting such an appeal. All appeals shall be filed with the City Clerk. The City Clerk shall prescribe and

provide the appellant the form which shall be used by the appellant in filing any such appeal.

Authorized appeals shall be heard as follows:

A. All appeals from an appealable action of the Commission shall be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

B. All appeals from an action of the Community Development Director or the City Engineer shall be heard by the Commission as an appeal board unless the provisions of this Title expressly provide that the appeals of such action are to be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Community Development Director or the City Engineer from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

C. All appeals from decisions of the Commission acting as an appeal board under this Section shall be heard by the Council. The appeal must be filed within ten calendar days after the final action is taken by the Commission from which the appeal is taken unless a different time period for filing said appeal is provided for by this Title or the Subdivision Map Act.

D. Any appeal hearing by the Commission acting as an appeal board or by the Council in its capacity as the legislative body shall be held within thirty (30) day of the date of the filing of a request for an appeal, or within such shorter periods as may be required by the Subdivision Map Act. Within ten (10) days following the conclusion of the hearing, the appeal body shall declare its findings. The findings shall be based upon the testimony and documents produced before it or before the appeal body or before the City officer from whom the appeal is taken. The decision of the appeal body may sustain, modify, reject or overrule any action which is the subject of the appeal. The decision may include any findings which are not inconsistent with the provisions of this Title, the ordinances of the City, or the provisions of the Subdivision Map Act.

E. Notice of any appeal hearing held under this Title shall be given by the City Clerk as provided in Sections 65090 and 65091 of the Government Code. If the appeal involves the conversion of residential real property to a condominium project, community apartment project or stock cooperative, additional notice shall be given by the City Clerk as provided in the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

Chapter 17.02 Responsibilities of Council, Commission and Directors

Sections:

17.02.010 Responsibilities.

17.02.010 Responsibilities.

A. **Council.** The Council shall be responsible for:

1. The approval, conditional approval, or denial of vesting tentative maps and requests for extensions of time for vesting tentative maps.
2. The approval or denial of all final maps and all parcel maps which include the dedication of right-of-way or easements to the City.
3. The approval, conditional approval, or denial all tentative maps for a future final map.
4. The approval of improvement agreements for all subdivisions.
5. The approval, conditional approval, or denial of reversions to acreage.
6. The approval, conditional approval, or denial of all subdivision modifications to tentative maps for which it is the Approving Authority.
7. The approval or denial of requests for extensions of time for tentative maps for which it is the Approving Authority.
8. Approval, conditional approval, or denial of any tentative, parcel or final map for which certification of an Environmental Impact Report is required in order to comply with CEQA.
9. Hearing appeals from final action taken by Commission action as provided in this Title.

B. **Commission.** The Commission shall be responsible for:

1. Making recommendations to the Council on approval, conditional approval or denial of tentative maps for which the Council is the Approving Authority.
2. Making recommendations to the Council on approval, conditional approval, or denial of reversions to acreage.
3. The approval, conditional approval or denial of mergers of contiguous

parcels under common ownership where a merger is sought as part of a development project requiring approval of one or more entitlements by the Commission.

4. Approval, conditional approval, or denial of any tentative or parcel maps for which the adoption of a Negative Declaration is required in order to comply with CEQA.
5. Hearing appeals from final action taken by Community Development Director or City Engineer as provided in this Title.

C. **Community Development Director.** The Community Development Director shall, following consultation with the City Engineer, be responsible for the approval, conditional approval or denial of the following when said actions are exempt from CEQA or the projects have been subject to previous CEQA review and no additional CEQA actions are required:

1. Lot line adjustments where there is no reduction in the number of parcels;
2. Mergers of contiguous parcels under common ownership without reversion where the merger is not part of a development project requiring approval of one or more entitlements by the Commission;
3. Tentative maps for parcel maps and parcel maps except as otherwise provided in this Chapter.

D. **City Engineer.** The City Engineer shall make recommendations to the Community Development Director, Commission and Council as provided in this Title and shall perform the duties required of that post by the Subdivision Map Act and this Title, including:

1. Certification of subdivisions requiring final maps or parcel maps pursuant to Government Code Sections 66442 and 66450;
2. Examining and certifying any amending maps or certificates of correction pursuant to Government Code Section 66471;
3. Examining any engineering or land surveying conditions imposed on a tentative map or parcel map to ensure compliance with generally accepted engineering and land surveying practices pursuant to Government Code Section 66474.10.

(Legislative History Ord. No. 09-026.)

Chapter 17.03 Maps Required

Sections:

- 17.03.010 General.**
- 17.03.020 Division of Land – Five (5) or More Parcels.**
- 17.03.030 Division of Land – Four (4) or Less Parcels.**

17.03.010 General.

For the purposes of this Title, the specific requirements for tentative, final, and parcel maps shall be governed by the provisions of this Chapter. (Legislative History Ord. No. 09-026.)

17.03.020 Division of Land - Five (5) or More Parcels.

A tentative map and a final map shall be required for all divisions of land where the land will be divided into five (5) or more parcels, five (5) or more condominiums, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where any one of the following occurs:

- A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon an existing maintained public street or highway and no dedications or improvements are required by the Council; or
- B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to an existing maintained public street or highway; or
- C. The land consists of a parcel or parcels of land having access to a public street or highway approved by the Council which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Council as to street alignments and widths; or
- D. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter (1/4) of a quarter (1/4) section.
- E. The land being subdivided is solely for creation of an environmental subdivision pursuant to Section 66418.2 of the Subdivision Map Act.

A tentative map and parcel map shall be required for those subdivisions described in subsections 17.03.0202.A-E, above, unless waived by the Commission in accordance with the provisions of Section 17.08.140 or 17.08.150 of this Title. A parcel or parcels are deemed to have the approval of the City Council as to street alignment and widths when: (1) the Council has specifically approved the street

alignment and widths, or (2) when the City Engineer determines that the proposed street alignment and widths are substantially the same as those contained in the General Plan, any applicable adopted Specific Plan in substantially the same manner as proposed by the subdivider, or (3) when the City Engineer determines that the proposed street alignment and width substantially conform with both connecting street alignments and widths in adjacent subdivisions that have been previously approved by the Council and the City's Engineering Design Standards. (Legislative History Ord. No. 09-026.)

17.03.030 Division of Land - Four (4) or Less Parcels.

A tentative map and a parcel map shall be required for all divisions of land into four (4) or fewer parcels, except that parcel maps shall not be required for:

A. Subdivision of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the State Public Utilities Code, which are created by short-term leases terminable by either party on not more than thirty (30) days notice in writing.

B. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Community Development Director to the Commission in individual cases, upon substantial evidence, that public policy necessitates a parcel map; provided, however, for land conveyed to or from the City or the Dixon Redevelopment Agency, no map shall be required unless such showing is made by the Community Development Director to the Council. For purposes of this Title, land conveyed to or from a governmental agency shall include a fee interest, an easement or a license.

C. Parcel maps may be waived in accordance with the provisions of Sections 17.08.140 or 17.08.150. (Legislative History Ord. No. 09-026.)

Chapter 17.04 Lot Line Adjustments

Sections:

- 17.04.010 Approval of Lot Line Adjustments.**
- 17.04.020 Application.**
- 17.04.030 Process for Reviewing Lot Line Adjustment.**
- 17.04.040 Findings.**
- 17.04.050 Limitations Upon Review and Approval.**
- 17.04.060 Recording.**

17.04.010 Approval of Lot Line Adjustments.

Except as provided in Section 17.04.020, all applications for lot line adjustments shall be approved or denied by the Community Development Director pursuant to the procedures in this Chapter. The Community Development Director may approve a lot line adjustment without notice or hearing.

All actions taken by the Community Development Director in approving a lot line adjustment may be appealed to the Commission as provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

17.04.020 Application.

A. An application for a lot line adjustment shall be filed with the Community Development Director and shall include the following information, materials and documents:

1. Drawings to scale, prepared by a civil engineer or registered land surveyor, specifying the location of the existing lots, the proposed lot line adjustment, and the boundaries and dimensions of the proposed new lots;
2. A legal description of the revised lots satisfactory to the City Engineer and a current preliminary report issued by a title company for each of the affected lots;
3. Such additional information as the Community Development Director may require pursuant to Sections 17.06.040(c) and 17.06.060, considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.

B. The application shall be accompanied by a filing fee established by resolution of the Council. (Legislative History Ord. No. 09-026.)

17.04.030 Process for Reviewing Lot Line Adjustment.

A. Application Processing:

1. Within thirty (30) days of receiving an application for a lot line adjustment, the Community Development Department shall inform the applicant, in writing, whether the application is complete and accepted for filing. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

2. Within ten (10) days after an application has been found to be complete and accepted for filing, the Community Development Director shall submit the application for staff review and shall transmit copies of the application and, where applicable, copies of drawings, statements and other data required to accompany the application or required subsequent to the filing of the application, to such other public agencies and private parties as the Community Development Director determines may be affected by the proposed lot line adjustment.

B. Community Development Director Review and Approval:

1. The Community Development Director may approve, conditionally approve or disapprove the proposed lot line adjustment for which he or she is the Approving Authority within the time periods provided by the Permit Streamlining Act.
2. Upon taking such action, the Community Development shall give written notice thereof to the applicant as soon as practicable, but in no event later than ten days thereafter.

(Legislative History Ord. No. 09-026.)

17.04.040 Findings.

The Community Development Director shall approve a lot line adjustment sought pursuant to this Chapter if the Community Development Director finds:

A. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed to the subsequent owner expressly reserves any street or utility easement of record;

B. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access which meets all the City requirements regarding access to parcels in the location and of the size as those proposed to be created; and

C. That the resulting parcels conform to the requirements of the City General Plan, any applicable Specific Plan, Building Code and the City Zoning Ordinance.
(Legislative History Ord. No. 09-026.)

17.04.050 Limitations Upon Review and Approval.

The Community Development Director shall limit his or her review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to Section 17.04.050(C). The Community Development Director shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to Section 17.04.050(C), to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No record of survey shall be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. (Legislative History Ord. No. 09-026.)

17.04.060 Recording.

Pursuant to Government Code Section 66412(d), the lot line adjustment shall be reflected in a deed, which shall be recorded in the manner required by the Community Development Director. The deed shall be signed or approved by all parties having an interest in the lots which are affected by the conveyance. If, for any reason, a recorded deed would not give constructive notice of the lot line adjustment under the real property laws of the State of California, the Community Development Director may require the applicant to prepare for recordation a certificate of compliance for each of the affected lots concurrent with the recordation of the deed and may require that such certificate or certificates be recorded. (Legislative History Ord. No. 09-026.)

Chapter 17.05 Mergers of Contiguous Parcels Under Common Ownership Without Reversion.

Sections:

- 17.05.010 Purpose.**
- 17.05.020 Merger of Parcels Authorized.**
- 17.05.030 Application.**
- 17.05.040 Process for Reviewing Mergers.**
- 17.05.050 Findings.**
- 17.05.060 Appeals.**

17.05.010 Purpose.

The purpose of this Chapter is to provide a simplified procedure to allow for the removal of previously approved parcel lines and the merger of contiguous parcels under common ownership at the request of the property owner, pursuant to Section 66499.20-3/4 of the Government Code. The procedure provided by this Chapter is an alternative to the procedures provided by Chapters 4, 6, 7 & 8 of this Title. Nothing stated herein shall be construed to prevent an applicant from filing a tentative map, a final map or a parcel map for any merger. (Legislative History Ord. No. 09-026.)

17.05.020 Merger of Parcels Authorized.

Pursuant to Government Code Section 66499.20-3/4, the Community Development Director is authorized to approve the merger requested by the property owner of contiguous parcels under common ownership without reversion to acreage, upon making the findings and utilizing the procedures set forth in this Chapter when said merger is not part of a development project requiring entitlements from the

Commission. Mergers which are part of a development project requiring one or more entitlement from the Commission require approved by the Commission. (Legislative History Ord. No. 09-026.)

17.05.030 Application.

A. An application for a merger pursuant to this Chapter shall be filed with the Community Development Department and shall include the following information, materials and documents:

1. Drawings specifying the location of the existing lots, the proposed merger and the boundaries and dimensions of the proposed new lot;
2. A legal description satisfactory to the City Engineer and a current preliminary report issued by a title company for each of the affected lots; and
3. Such additional information as the Community Development Director may require pursuant to Sections 17.06.040(c) and 17.06.060 considering the magnitude of the adjustment; its relation to existing buildings, structures, and landscaping; the present use and zoning of the property; location and extent of public improvements; its relation to adopted plans for the area; and compliance with the Subdivision Map Act or other ordinances and plans of the City.

B. The application shall be accompanied by a filing fee established by resolution of the Council. (Legislative History Ord. No. 09-026.)

17.05.040 Process for Reviewing Mergers.

A. The procedures for reviewing lot line adjustments shall apply to applications pursuant to this Chapter to merge four or fewer contiguous parcels under common ownership.

B. Mergers which are not sought as part of a development project requiring approval of one or more entitlements by the Commission shall be approved by the

Community Development Director using the same procedures which apply for lot line adjustments.

C. Mergers which are sought as part of a development project requiring approval of one or more entitlements by the Commission shall be approved by the Commission.

D. Prior to recordation of a notice of merger, the City shall adhere to the additional notification and hearing requirements contained in Government Code Sections 66451.13, 66451.14, 66451.15 and 66451.16. (Legislative History Ord. No. 09-026.)

17.05.050 Findings.

The Commission shall not approve any merger of parcels pursuant to this Chapter unless it makes all of the following findings:

A. That all existing streets and utility easements of record are reserved;

B. That the resulting parcel conforms to the requirements of this Title, the City General Plan, any applicable Specific Plan, the City Zoning Ordinance, and the Building Code. (Legislative History Ord. No. 09-026.)

17.05.060 Appeals.

The applicant or any interested person affected by any Commission action on a merger of contiguous parcels under common ownership may appeal that decision to the Council as provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

Chapter 17.06 Tentative Maps – For Final Maps

Sections:

- 17.06.010 Purpose.**
- 17.06.020 Tentative Map Required.**
- 17.06.030 Informal Staff Review.**
- 17.06.040 Submission of Tentative Map Application.**
- 17.06.050 Preparation and Form of Tentative Map.**
- 17.06.060 Information on Tentative Map.**
- 17.06.070 Filing of Tentative Map Application.**
- 17.06.080 Tentative Map Process.**
- 17.06.090 Withdrawal of Tentative Map.**
- 17.06.100 Tentative Map Revision.**
- 17.06.110 Expiration; Extensions for Phased Maps and Maps Under Development Agreement.**

17.06.120 Time Extensions for Tentative Maps.

17.06.010 Purpose.

The purpose of this Chapter is to establish the City regulations, standards and procedures for consideration of tentative subdivision map applications for subdivisions of five (5) or more parcels when the preparation and approval of a tentative map is required by Section 17.03.020 of this Title. It should be recognized that other agencies may also have regulations, standards and procedures which apply to subdivision maps. (Legislative History Ord. No. 09-026.)

17.06.020 Tentative Map Required.

For every subdivision of five (5) or more parcels, and when required by Section 17.03.020 of this Title, the subdivider shall file with the City a tentative map prepared in accordance with the provisions of this Chapter. (Legislative History Ord. No. 09-026.)

17.06.030 Informal Staff Review.

A. **Preliminary Design Plan.** A subdivider may present a preliminary design plan for informal staff review before filing the tentative map application. The preliminary design plan shall, at a minimum include, the following information:

1. Street layout indicating location and type;
2. Basic lot design and size;
3. Land use;
4. Existing natural and man-made features on and adjacent to the site;
5. Existing and proposed topography on and adjacent to the site.
6. Existing and proposed utilities and easements

B. Within thirty (30) days of the filing of the preliminary design plan for informal staff review, the staff review of the plan shall be undertaken in an effort to determine if the preliminary design plan complies with the following:

1. The City General Plan;
2. Any applicable Specific Plans;
3. Dixon Zoning Ordinance;

4. Adopted public improvement standards;
5. Other applicable standards and regulations.

The determination(s) made in staff review pursuant to this Section are preliminary in nature, and are neither binding nor appealable.

C. A subdivider may not request informal staff review of a preliminary design and seek to process a tentative map application for the same subdivision at the same time. A subdivider may withdraw a request for informal staff review of a preliminary design at any time and thereafter file an application for a tentative map.

D. A fee, prescribed by Council resolution, shall be required for informal staff review of all preliminary design plans. (Legislative History Ord. No. 09-026.)

17.06.040 Submission of Tentative Map Application.

A subdivider seeking approval of a tentative map for a subdivision for a future final map shall file an application for tentative map approval consistent with the requirements of this Title. The application shall consist of the following elements:

- A. A tentative map, consistent with the requirements of Sections 17.06.050 and 17.06.060.
- B. A completed City application packet, including an environmental checklist.
- C. Additional reports, plans and data. The following drawings, statements and other data, and as many additional copies thereof as may be required, shall be filed on or with the tentative map:
 1. A vicinity or key map of appropriate scale and covering sufficient adjoining territory so as to clearly indicate nearby street patterns, major access streets, property lines, other adjacent properties in the subdivider's ownership, and other significant features which will have a bearing upon the proposed subdivision and its location and relationship to surrounding areas.
 2. A statement of existing and proposed zoning and existing and proposed uses of the property with the approximate areas of the proposed uses by type and the total area of the subdivision.
 3. A preliminary Soil Investigation and Geological Reconnaissance Report by a registered civil engineer specializing and recognized in soil mechanics and foundation engineering for every subdivision for which

a final map is required. Submission of this preliminary report may be waived by the City Engineer if soil conditions in the proposed subdivision are known to him or her.

If the preliminary soils report indicates the presence of critically expansive soils or other soil problems, including seepage which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the City Engineer as a condition precedent to consideration of the tentative map by the Approving Authority. The soils investigation shall be done in the manner provided in Section 66491 of the Subdivision Map Act.

4. A preliminary grading plan. Submission of the preliminary plan may be waived by the City Engineer when he or she determines, after consultation with the Community Development Director, that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the proposed subdivision.
5. Applications for any modification that may be proposed, together with supporting drawings and statements and such other data as may be required by the provisions of Chapter 13 (Subdivision Modifications).
6. A current preliminary report issued by a title company within thirty days of the application date for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.
7. A statement and all approved documentation reflecting the status of any "Williamson Act" restrictions upon all or any part of the land to be subdivided.
8. A description of the manner in which the land to be subdivided will be provided with water supply, sanitary disposal facilities and storm drainage facilities, including but not limited to, proposals for assisting the City in financing temporary or permanent improvements needed for water supply, sanitary disposal facilities and storm drainage facilities needed to serve the land to be subdivided.
9. All other data required as a prerequisite to approval of the tentative map, including plans, reports, fees or other requirement.
10. One set of mailing labels for the parcels receiving mailed notice as required by Sec. 10.06.08(f) which is prepared by a title company utilizing parcel ownership information obtained by it from the latest equalized tax roll from the Solano County Assessor.

11. With respect to tentative maps for residential condominium conversion projects, a conditional use permit for such conversion project approved pursuant to Zoning Ordinance of the City of Dixon. The Community Development Director may waive this requirement if at the time of the filing of the tentative map the subdivider, in writing, irrevocably offers to the Commission and Council to extend the time limits specified in the Subdivision Map Act for reporting and acting upon the tentative map by said bodies. The extension shall be for such periods of time as are reasonably necessary to permit the processing, review, and final action on the conditional use permit concurrently with the tentative map.
12. One of the following as required by the City Engineer: a signed certification from a Civil Engineer or Licensed Architect, registered in the State of California, that the tentative map has been evaluated for compliance with Attachment 4 of California State Water Resources Control Board's Water Quality Order No. 2003-005-DWQ, as may be amended, supplemented or superseded; a statement of Best Management Practices that have been incorporated into the tentative map layout; or a statement of eligible Best Management Practices which will be evaluated for inclusion in any subsequent land use approvals including Design Review.
13. Statements disclosing whether the proposed subdivision will be required to comply with state statutes relating to hazardous materials and other substances, as required by Government Code Sections 65850.2, 65962.5(d), and 65962.5(f).
14. If conversion of a mobile home park is involved, submit a report as required under Government Code Section 66427.4.

D. A fee, as prescribed by Council resolution, shall be required for consideration of all tentative map applications. (Legislative History Ord. No. 09-026.)

17.06.050 Preparation and Form of Tentative Map.

The tentative map shall be clearly and legibly drawn and shall be drawn to scale by or under the direction of a registered civil engineer or licensed land surveyor. The scale of the map shall be at least one inch equals 100 feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. No single sheet shall exceed 42 inches in length and 30 inches in width.

The City Engineer may, in his or her sole discretion, waive the requirements that the tentative map be prepared by a registered civil engineer or licensed land surveyor if the tentative map submitted is clearly and legibly drawn, drawn to scale, and

satisfies the requirements of Sections 17.06.040 and 17.06.060. The decision to waive or not waive the foregoing requirement shall be final and not subject to appeal. (Legislative History Ord. No. 09-026.)

17.06.060 Information on Tentative Map.

The tentative map shall contain the following information in addition to such information as is required by the Subdivision Map Act:

- A. Proposed subdivision name, if any.
- B. Names, addresses and telephone numbers of the record owner(s) and subdivider of the land.
- C. Name, address and telephone number of the person, firm or organization that prepared the map, and the applicable registration or license number.
- D. Date of preparation, north point and scale of the map. If based on a survey, the date of the survey.
- E. Boundaries of the subdivision with sufficient information to locate the property.
- F. Subdivision name of adjacent subdivisions, if any, and property lines and assessor parcel numbers sufficient to show their relationship to the proposed subdivision.
- G. Existing and proposed contour lines at intervals of not more than one foot unless waived prior to submission by the City Engineer. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show drainage or other conditions on surrounding property which may affect the subdivision. The topographic survey shall not be waived in areas within the 100-year flood hazard boundary as shown on the most current Flood Insurance Rate Map (FIRM) of the Federal Emergency Management Agency.
- H. The approximate location and general description of any trees and shrubs, and their drip lines if known, with notations as to their retention or destruction; and any vernal pools or wetlands located on the property to be subdivided. The general description of trees and shrubs should include an indication as to their size (diameter) and type, if known.
- I. The location of all railroad rights-of-way and grade crossings; approximate locations of all existing wells, abandoned wells and sumps; and an indication of any physical restrictions or conditions in the subdivision which affects the use of the

property.

J. The location of all structures on the site or on adjacent properties; the distances between structures to be retained and existing or proposed street and lot lines; and notations concerning all structures which are to be removed.

K. The location and width of proposed building setback lines.

L. The locations of existing utilities in and adjacent to the subdivision; the size and invert elevation of sanitary and storm sewers; the size of water mains; and, if sewers and water mains are not in or adjacent to the subdivision, the direction and distance to the nearest sewer and water main with size and invert elevation of sewer and size of main, and the proposed method of providing sewage disposal.

M. The location of all potentially dangerous areas, including geologically hazardous areas and areas subject to inundation or flood hazard; the location, width and directions of flow of all water courses and flood control channels within and adjacent to the property involved; and the proposed method of providing storm water, drainage and erosion control. In areas subject to 100-year flood hazard, base flood elevation and floodway boundary shall be indicated.

N. The locations, widths and names or designations of all existing or proposed streets, alleys, pedestrian-ways, and other rights-of-way, whether public or private, within and adjacent to the subdivision; the radius of each center line curve; and any planned line for street widening or for any other public project in and adjacent to the subdivision.

O. The locations, widths and description by recorder's book and page number (or document number) of all existing private or public easements of record.

P. The lines and approximate dimensions of all lots, and the number assigned to each lot; the total number of lots; and the approximate area of the average lot.

Q. The total area in square footage or acreage to the nearest one-tenth acre of each lot proposed to be utilized for other than single-family or two-family housing.

R. The boundaries of existing and proposed public areas in and adjacent to the subdivision, with the nature of each indicated thereon with the acreage thereof. If land is to be offered for dedication for park or recreation purposes, it shall be so designated.

S. Any modification being requested in accordance with the requirements of Chapter 13 (Subdivision Modifications) which is shown on the tentative map shall be clearly labeled and identified as to nature and purpose.

T. If separate final maps are to be filed on portions of the property shown on the tentative map, the subdivider shall give notice of its intent to do so and shall suggest terms and conditions, for inclusion in an agreement with the City, to ensure that the phased filing of maps provides for the logical and orderly development of improvements required to serve all possible phases of the subdivision. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps.

U. Access to publicly owned lake or reservoir where required under Section 66478.12 of the Subdivision Map Act.

V. Easements along a public waterway provided by the subdivider under Section 66478.5 of the Subdivision Map Act must be shown. (Legislative History Ord. No. 09-026.)

17.06.070 Filing of Tentative Map Application.

The subdivider shall file with the Community Development Department the tentative map application and twenty (20) additional copies thereof, or such additional number of copies as specified by the Community Development Director. A tentative map application shall not be considered as having been filed with the clerk of the Commission unless and until it complies with all provisions of this Chapter, and the drawings, statements and other data required to accompany the tentative map have been submitted in a form acceptable to the Community Development Director. (Legislative History Ord. No. 09-026.)

17.06.080 Tentative Map Process.

The process to be followed for all tentative maps for future final maps is as follows:

A. Within thirty (30) days of receiving a tentative map application, the Community Development Department shall in writing inform the applicant whether the application is complete and accepted for filing with the clerk of the Commission. If incomplete, the Community Development Department shall advise the applicant as to the deficiencies in the application.

B. Within ten (10) days after an application has been found to be complete and accepted for filing with the clerk of the Commission, the Community Development Director shall submit the application to staff review and shall transmit copies of the tentative map and, where applicable, copies of drawings, statements and other data required to accompany the tentative map or required subsequent to the filing of the tentative map, such other public agencies or private parties as the Director determines may be affected by the proposed subdivision for report and recommendation to the Commission.

C. Upon completion of staff review, the Community Development Director shall prepare a written report to the Commission on the proposed tentative map. The report shall include the determinations and recommendations, if any, made in staff review concerning the conformance of the tentative map to the standards, rules and regulations of this Title, and to the requirements of all applicable specific plans and ordinances of the City. The Director, based upon staff review, shall also advise the Commission in said report of the requirements and recommendations, if any, of other public agencies and private parties affected by the proposed subdivision.

D. Once a tentative map has been filed with the clerk of the Commission, it shall be set for hearing by the Commission. The hearing shall be set for a date which will permit the Commission to deliver its written report on the tentative map to the Council within the later of either: (i) fifty days from the date that the tentative map has been filed with the clerk of the Commission, or (ii) fifty (50) days from the date of: (A) certification by the Council of the EIR for the project which includes the proposed subdivision, or (B) the adoption of a negative declaration by the Council for said project, or (C) a determination by the Council that the project is exempt from the requirements of CEQA

E. A copy of the Community Development Director's written report shall be provided to the Commission and shall also be provided to the subdivider at least three (3) calendar days prior to date of the public hearing.

F. Notice of Commission hearing shall be given by the clerk of the Commission as required by Sections 65090 and 65091 of the Government Code. G. In addition, the Community Development Director shall give notice of the Commission hearing by mail or delivery to the subdivider and, in the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the Community Development Director shall also give notice by mail or delivery to the owner of the property as shown on the last equalized assessment roll.

H. Notice of the Commission hearing shall be given by the clerk of the Commission by mail or personal delivery to any person who has filed a written request with the City Clerk to receive such notice. The request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year.

I. The clerk of the Commission shall also give notice of the hearing by mail or delivery to each private or public agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the subdivision, whose ability to provide those facilities and services may be significantly affected. A proposed conversion of residential real property to a condominium, community apartment, or stock cooperative project shall be noticed in accordance with Section 66451.3 of the Subdivision Map Act and any applicable requirements of the Zoning

Ordinance.

J. The Community Development Director may give such other notice that he or she deems necessary or advisable. All notices authorized or required to be given by mail shall be given by depositing the notice with postage prepaid with the U.S. Postal Service in Dixon, California, not less than ten (10) calendar days before the date of the hearing for which the notice is being given.

K. Substantial compliance with these provisions for notice shall be sufficient, and a technical failure to comply shall not affect the validity of any action taken according to the procedures in this Part.

L. At the conclusion of the public hearing, the Commission shall recommend approval, conditional approval or denial of the tentative map, and shall make its written report to the Council within fifty (50) days of the later of the date when the tentative map was filed with the clerk of the Commission or such later date as is provided in subsection (d) above.

M. The written report may include recommendations to the Council on the proposed conditions and findings on the tentative maps provided to it by the Community Development Director prior to the hearing.

N. At the next regular meeting of the Council following the filing of the Commission's report with it, the Council shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days. Notice of such hearing shall be given by the City Clerk pursuant to Sections 65090 and 65091 of the Government Code. The City Council may, by resolution, authorize the City Clerk to fix such hearing dates on behalf of the City Council and without the prior approval of said dates by the Council.

O. After conducting said hearing, the Council shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

P. The tentative map may be approved or conditionally approved by the Council if it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, any applicable Development Agreement, the requirements of the Zoning Ordinance and all applicable provisions of this Title. The Council, in consultation with the City Engineer, shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the Council and City Engineer find that the proposed waste discharge would result in or add to violation of requirements of such board, the Council may disapprove the tentative map.

Q. To the extent permitted by law, ordinance or resolution, the Council may require, as a condition of approval of the tentative map, that the payment by the subdivider of all development fees required to be paid at the time of the application for, or issuance of, a building permit or other similar permit shall be made at the rate for such fees in effect at the time of such application or issuance.

R. Each tentative map shall conform with the requirements of the General Plan, any applicable Specific Plan, any applicable Development Agreement, and zoning designation of the property; provided that, where an amendment to the General Plan or the applicable specific plan or a change in zoning is also being requested as part of the development project for which the tentative map is sought, and the tentative map will be consistent with the General Plan, specific plan or zoning if the Council approves such amendment or change, the tentative map may be recommended for approval, subject to inclusion of a condition on the tentative map requiring approval of the general plan or specific or community plan amendment or zone change prior to recordation of the final map.

S. The Council may modify or delete any of the conditions of approval recommended in the Commission's report. The Council may add additional requirements as a condition of its approval.

T. In reaching a decision upon the tentative map, the Council shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources. Except as provided otherwise by the Subdivision Map Act, failure to act within the above-specified time limits shall not be deemed or considered approval of the tentative map.

U. The tentative map may be denied by the Council on any of the grounds provided by the Subdivision Map Act or this Title. Except as otherwise required by State or Federal law, the Commission shall deny approval of the tentative map if it makes any of the following findings:

1. That the proposed map is inconsistent with the general plan or any applicable specific plan, or other applicable provisions of this Code;
2. That the site is not physically suitable for the type of development;
3. That the site is not physically suitable for the proposed density of development;
4. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

5. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Commission may recommend approval of a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use (Government Code Section 66474.)

V. The subdivider or any interested person adversely affected may appeal any action approving, conditionally approving or denying a tentative map in accordance with the procedures provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

17.06.090 Withdrawal of Tentative Map.

Requests for withdrawal of any tentative map shall be submitted to the Community Development Director in writing unless made at a public hearing on the tentative map. (Legislative History Ord. No. 09-026.)

17.06.100 Tentative Map Revision.

Any revised tentative map shall be deemed a new tentative map and shall be processed in conformance with the requirements of this Title in effect at the time such revised map is filed, including any changes in street or other standards which have become effective since the original tentative map was filed. The approval or conditional approval of any revised tentative map shall void all prior approved tentative maps. (Legislative History Ord. No. 09-026.)

17.06.110 Expiration; Extensions for Phased Maps and Maps Under

Development Agreement.

The approval or conditional approval of a tentative map shall expire twenty-four (24) months from its approval, unless the expiration date is extended in accordance with the provisions of Section 17.06.13. However, if the filing of multiple final maps is authorized pursuant to Section 17.07.12 and the subdivider is required to spend \$125,000.00 (as periodically adjusted in accordance with Section 66452.6(a) of the Subdivision Map Act) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map (excluding improvements of public rights-of-way which abut the boundaries and are reasonably related to the development of the property), or if the tentative map is on property subject to a development agreement authorized by Sections 65864 et seq. of the Government Code, then each filing of a final map shall, without further action of the City, extend the expiration date in accordance with provisions of Section 66452.6(a) of the Subdivision Map Act.

The amount of one hundred twenty-five-thousand dollars (\$125,000) has previously been increased and shall continue to be increased as provided in Section 66452.6(a) of the Subdivision Map Act by the registrar of contractors according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The adjustments by the registrar of contractors shall be effective on the first day of the month occurring more than 30 calendar days after the registrar makes that adjustment. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

"Public improvements," as used in this Section, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

The applicable adjusted dollar amount of offsite public improvements which will qualify the phased tentative map for automatic extensions under provisions of Section 66452.6(a) of the Subdivision Map Act, as determined from time to time by the Registrar of Contractors, shall be provided to the Approving Authority by the City Engineer and approved by the Approving Authority at the time of approval of the tentative map as a condition of approval. Such approved determination, if made, shall be subject to appeal under the procedures provided in Section 17.01.05 of this Title. (Legislative History Ord. No. 09-026.)

17.06.120 Time Extensions for Tentative Maps.

- A. **Request by Subdivider.** For any tentative map which expires in twenty-four (24) months and which expiration date is not automatically extended under the provisions of the Subdivision Map Act, a subdivider may request an extension of the expiration date of the approved or

conditionally approved tentative map by written application to the Community Development Department. The application shall be filed prior to the expiration date of the approved or conditionally approved tentative map, and shall state the reasons for requesting the extension.

B. Approving Authority Hearing and Action

- 1. **Notice:** The Community Development Director shall prepare a report with the recommendation on the application for an extension, and shall set the matter for hearing before the Approving Authority at a regularly scheduled meeting. The matter shall be noticed in the same manner as a tentative map application, as specified in Section 17.06.08.
- 2. **Action by the Approving Authority:** The Approving Authority may approve, conditionally approve, or deny the application for an extension of the expiration date, and shall make findings supporting the decision.

C. **Time Limit of Extension.** The time at which the tentative map expires may be extended for a period not exceeding the maximum allowed per the Subdivision Map Act or for such lesser periods as may be determined to be appropriate by the Approving Authority.

D. **Appeal of Extension.** The subdivider or any interested person adversely affected may appeal any action of the Commission approving, conditionally approving or disapproving a requested extension in accordance with the procedures provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

**Chapter 17.07 Final Maps -
Five (5) or More Parcels**

Sections:

- 17.07.010** **Timing.**
- 17.07.020** **Preparation and Form of Final Map.**
- 17.07.030** **Title Sheet of Final Map.**
- 17.07.040** **Certificates on Final Map Title Sheet.**
- 17.07.050** **Information on Final Map.**
- 17.07.060** **Statements, Documents and Other Data to Accompany Final Map.**
- 17.07.070** **Filing Fee.**
- 17.07.080** **Survey of Final Map.**
- 17.07.090** **Filing of Final Map.**
- 17.07.100** **Action by the City Engineer.**
- 17.07.110** **Council Action.**
- 17.07.120** **Multiple Final Maps.**

170.07.010 Timing.

Prior to the expiration of the tentative map or within any further time period for which an extension has been granted under this Title or the Subdivision Map Act, the subdivider may cause the proposed subdivision or any part thereof to be surveyed and a final map to be prepared and recorded in accordance with the provisions of this Chapter and the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.07.020 Preparation and Form of Final Map.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor in the manner required by the Subdivision Map Act, and shall conform to all of the following provisions:

- A. The general form and layout of the map, including but not limited to the size and type of lettering, and the drafting and location of acknowledgments, shall be as determined by the City Engineer.
- B. The scale of the map shall be one inch equals 100 feet, unless otherwise permitted by the City Engineer, but in any case the map shall show clearly all details of the subdivision.
- C. All dimensions shall be shown in feet and hundredths of a foot. No ditto marks shall be used.
- D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed twenty (20) inches by twenty-six (26) inches.
- E. The subdivision designation, scale and north arrow shall be shown on each sheet except the endorsement sheet.
- F. A title sheet, designated as page number one of the final map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.
- G. The final map shall be so made and shall be in such condition when filed that legible prints and negatives can be made from it. (Legislative History Ord. No. 09-026.)

17.07.030 Title Sheet of Final Map.

The title sheet shall contain the following information:

- A. Title followed by the words "City of Dixon."
- B. Below the title shall be a subtitle consisting of a description of all property being subdivided by such map or maps or property shown thereon as shall have been last previously recorded or filed in the Solano County Recorder's office, or shall have been last previously filed with the Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Solano County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area.
- C. The subtitle of maps filed for the purpose of reverting subdivided land to acreage shall consist of the words "A reversion to acreage of _____." The blank shall contain the assessor parcel numbers of the parcels to be reverted.
- D. References to tracts and subdivisions in the description must be worded identically with original records, and references to book and page of record must be complete.
- E. Affidavits, certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals required by law and by this Title.
- F. The basis of bearings used in the field survey, making reference to some recorded subdivision map or other record acceptable to the City Engineer. (Legislative History Ord. No. 09-026.)

17.07.040 Certificates on Final Map Title Sheet.

The title sheet of the final map shall contain those certificates required by the Subdivision Map Act. The form of the certificate shall be approved by the City Attorney. (Legislative History Ord. No. 09-026.)

17.07.050 Information on Final Map.

The final map shall substantially conform to the tentative map approved or conditionally approved by the Council (including all approved modifications) and shall contain the following information:

- A. The boundary line of the subdivision shall be designated by a bold border line.
- B. All areas shown on the map which do not constitute a part of the subdivision shall be labeled "Not a part of this subdivision," or "N.A.P.O.T.S." All lines delineating such areas shall be dashed.
- C. All survey data and information required by Section 17.11.12 (Survey Data

and Information to be Shown on Final Map or Parcel Map).

D. All lots or parcels intended for sale or reserved for private purposes and all parcels offered for dedication to the City or any other public agency for any purpose with all dimensions, boundaries and courses clearly shown and defined in every case. Dimensions of lots shall be as total dimensions, corner to corner in addition to point to point dimensions.

E. All lots shall be numbered consecutively, without omissions or duplications, throughout the subdivision starting with the number "1", except units of a total development, which shall be numbered consecutively throughout the development. Only parcels offered for dedication other than for streets or easements shall be designated by letters; provided, however, in single-family subdivisions the parcels intended for other than single-family use may be designated by letters. Each numbered lot shall be shown entirely on one sheet.

F. The location and total width of all streets, alleys, pedestrian-ways, equestrian and hiking trails and biking paths; the names of streets, and the width on each side of center line of each street, the width of the portion of the street, alley, pedestrian-way, equestrian and hiking trail, and biking path being dedicated, and the width of the existing dedications, if any, within the subdivision.

G. The location and widths of any other rights-of-way within the subdivision.

H. All necessary data including width and side lines of all public easements to which the lots of the subdivision are subject. Each easement shall be clearly labeled and identified as to nature and purpose and, if already of record, its recorded reference given. If any easement is not definitely located on record, a statement concerning the easement shall appear on the title sheet. Easements shall be denoted by fine, dashed lines.

I. All limitations on rights of access to and from streets and lots and other parcels of land.

J. The lines of any natural watercourse, channel, stream, creek or body of water in or adjacent to the subdivision.

K. The location, width and name of any street and the location and width of any alley, pedestrian-way, equestrian or hiking trail, biking path, railroad right-of-way or other right-of-way adjacent to the subdivision.

L. Any City (limit) boundary adjoining the subdivision shall be clearly designated and tied in.

M. In areas subject to 100-year flood hazard, base flood elevation or depth of

flow and floodway boundaries shall be indicated or a separate document shall be recorded with the final map indicating floodway boundary and base flood elevation or depth of flow. (Legislative History Ord. No. 09-026.)

17.07.060 Statements, Documents and Other Data to Accompany Final Map.

The following statements, documents and other data, and as many additional copies thereof as may be required, shall be filed with the final map:

A. The names, addresses and telephone numbers of the record owners and subdivider and persons preparing the final map.

B. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear and are correctly shown on the proper certificates and are correctly shown on the final map, both as to consents for the making thereof and the affidavit of dedication.

C. A traverse sheet in a form approved by the City Engineer giving lot areas, latitudes, departures and coordinates and showing the mathematical closures.

D. The engineer or surveyor under whose supervision the survey has been made shall furnish the City Engineer field notes as required by Chapter 11 (Surveys and Monuments).

E. The complete plans, profiles, cross sections, specifications and applicable permits for the construction and installation of improvements as required by Chapter 12 (Subdivision Improvements).

F. A final grading plan. Submission of a final grading plan may be waived by the City Engineer when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.

G. The agreement to make improvements and the security for such improvements as required by Chapter 12 (Subdivision Improvements).

H. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when approval thereof by an officer of the City has been required as a condition of approval of the tentative map.

I. Any irrevocable offer of dedication by separate instrument and accompanying title report as may be provided or required as a condition of approval of the tentative map. The dedication instrument and title report shall conform to the requirements of this Title and shall be processed in accordance with the provisions of Section

17.08.110 (Processing of Parcel Map) that relate to instruments of dedication and accompanying title reports.

Whenever an irrevocable offer of dedication by separate instrument accompanies a final map, the final map shall not be accepted for filing by the City Engineer unless and until he or she determines that said offer of dedication has been approved for recordation as provided in Section 17.08.120.

J. A current preliminary report issued by a title company for the lands proposed to be subdivided, together with copies of the recorded documents shown as exceptions in the report.

K. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirements. (Legislative History Ord. No. 09-026.)

17.07.070 Filing Fee.

The final map shall be accompanied by a filing fee as established by resolution of the Council. (Legislative History Ord. No. 09-026.)

17.07.080 Survey of Final Map.

A complete and accurate survey of the land to be subdivided shall be made by a registered civil engineer or licensed land surveyor in accordance with the provisions of Chapter 11 (Surveys and Monuments). (Legislative History Ord. No. 09-026.)

17.07.090 Filing of Final Map.

The subdivider shall cause all certificates to be executed except those to be executed by the City Engineer, the City Clerk and the Solano County Recorder, and shall file with the City Engineer the original tracing of the final map and as many prints thereof as may be required. (Legislative History Ord. No. 09-026.)

17.07.100 Action by the City Engineer.

Upon acceptance of the final map and accompanying documents, fees and materials for filing, the City Engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the Council, and if found to be complete, technically correct, in conformity with improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines and other applicable specific plans and ordinances, shall execute the City Engineer's certificate on the map and shall file the map and accompanying materials with the City Clerk. No final map shall be certified until the

required improvements have been installed or agreed to be installed in accordance with Chapter 12 (Subdivision Improvements).

Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. If the defect is the result of a technical and inadvertent error which, in the opinion of the City Engineer does not materially affect the validity of the map, the City Engineer may waive the defect and execute his certificate of approval.

The City Engineer may refuse to approve the recording of a final map governing only a portion of a tentative map when, in the process of checking the final map he or she determines that said portion does not by itself provide adequate or satisfactory access, design or improvements and therefore does not conform to the design and improvement of the subdivision as indicated by the approved tentative map.

The City Engineer must act on the final map within the time period prescribed by the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.07.110 Council Action.

The Council shall act upon the final map in the manner authorized and prescribed by the Subdivision Map Act. The Council shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of the Subdivision Map Act and the subdivision ordinance of the City which was applicable at the time of approval or conditional approval of the tentative map and any rulings made there under. If the map does not conform, the Council shall disapprove the map. The Council shall not deny approval of a final map with a previously approved a tentative map for the proposed subdivision if it finds that the final map is in substantial compliance with the previously approved tentative map.

As provided in Section 66458 of the Subdivision Map Act, the date on which the City Clerk receives the map from the clerk of the Commission shall be deemed to be the date of the "meeting" at which the City Council initially receives the map for purposes of this Section. (Legislative History Ord. No. 09-026.)

17.07.120 Multiple Final Maps.

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if either:

A. The subdivider, at the time the tentative map application is filed, informs the Approving Authority of the subdivider's intention to file multiple final maps on such tentative map. In providing such notice, the subdivider shall not be required to define

the number or configuration of the proposed multiple final maps, but the Council may refuse to approve a phased final map until the subdivider and City can reach agreement, which may be reflected in the subdivision improvement agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

B. After filing of the tentative map application, the subdivider and Approving Authority concur in the filing of phased multiple final maps and the subdivider and the City reach agreement, which may be reflected in the subdivision improvement agreement or a separate written agreement approved by the Council such as a development agreement, for the construction of improvements for the subdivision in a manner which provides for a logical and orderly development of all of the possible phases of the subdivision.

The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. Each final map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. Any subdivision improvement agreement executed by the subdivider and City shall either initially provide for the construction of improvements in the phases which have been agreed upon by subdivider and City or shall be amended to include such requirements before phased final maps are approved by the Council. (Legislative History Ord. No. 09-026.)

Chapter 17.08 Parcel Maps

Sections:

- 17.08.010 Applicability.**
- 17.08.020 Tentative Map Required.**
- 17.08.030 Application and Processing of Tentative Maps for Parcel Maps .**
- 17.08.040 Filing of Parcel Map.**
- 17.08.050 Termination of Proceeding.**
- 17.08.060 Preparation and Form of Parcel Map.**
- 17.08.070 Title Sheet of Parcel Map.**
- 17.08.080 Information on Parcel Map.**
- 17.08.090 Statements, Fees, Documents and Other Data to Accompany Parcel Map.**
- 17.08.100 Survey of Parcel Map.**
- 17.08.110 Processing of Parcel Map – Filing.**
- 17.08.120 Separate Dedications.**
- 17.08.130 Action by the City Engineer.**
- 17.08.140 Waiver of Parcel Map – Conveyance to Public Body.**
- 17.08.150 Waiver of Parcel Map.**

17.08.010 Applicability.

The regulations contained in this Chapter shall apply to the subdivisions described in subdivisions (a), (b), (c), (d) and (e) of Section 66426 of the Subdivision Map Act and all other subdivisions as to which a final map or parcel map is not otherwise required by the Subdivision Map Act; provided, however, that no parcel map needs to be filed for a subdivision of four or fewer parcels resulting from a conveyance of land to a government agency, public entity or public utility when said subdivision has been approved in accordance with Section 17.08.14. (Legislative History Ord. No. 09-026.)

17.08.020 Tentative Map Required.

Except as provided by the Subdivision Map Act or by this Title, a tentative map shall be submitted in for each proposed parcel map. Except as otherwise provided in this Chapter, the tentative map shall be processed and acted upon by the Approving Authority in accordance with the provisions of this Title.

The Community Development Director shall be the Approving Authority for a tentative map for a Parcel Map. Such tentative maps shall be processed as provided in this part. In the case of a division of land of four or fewer parcels, dedications and improvements required in connection with the approval of the tentative map shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. (Legislative History Ord. No. 09-026.)

17.08.030 Application and Processing of Tentative Maps for Parcel Maps.

The Community Development Director shall be the approving authority for tentative maps for parcel maps. The process to be followed for the processing of applications for tentative maps for parcel maps shall be as follows:

A. The provisions of Section 17.06.080 (Tentative Map Process) shall apply to the processing of tentative maps for parcel maps, except that all references to the "Council" and the "Commission" in Section 17.06.080 shall mean the Community Development Director, and all references in Section 17.06 to actions taken by the "Community Development Department" or the "Community Development Director" shall be taken by staff under the direction of the City Engineer.

B. All the provisions of Section 17.06.080 shall apply to the processing of tentative maps for parcel maps except the following:

1. Only the first sentence of Subsection 17.06.080.D shall apply.
2. Subsections 17.06.080L through 17.06.080N inclusive.

3. Subsection 17.06.080.S.

C. The Community Development Director shall approve, conditionally approve or deny the tentative map and report his or her action to the subdivider within fifty (50) days of the later of (1) the date when the tentative map was filed or (2) the date of determination by the Approving Authority that the project is exempt from the requirements of CEQA.

D. The subdivider or any interested person may appeal the action taken by the Community Development Director in connection with such tentative maps as provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

17.08.040 Filing of Parcel Map.

Within twenty-four (24) months of the date of approval or conditional approval of a tentative map, the subdivider may cause a parcel map to be prepared and recorded in accordance with the tentative map as approved and in accordance with the provisions of this Chapter and the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.08.050 Termination of Proceeding.

Failure to record a parcel map within 24 months of the date of approval or conditional approval of a tentative map, or within any extended period of time granted by the Approving Authority in accordance with Section 17.06.130 shall terminate all proceedings. Before a parcel map may be thereafter recorded, a new tentative map shall be filed in accordance with this Chapter. (Legislative History Ord. No. 09-026.)

17.08.060 Preparation and Form of Parcel Map.

The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor and shall conform to the requirements of the Subdivision Map Act and to all of the following provisions:

A. The general form and layout of the map, including but not limited to the size and type of lettering, drafting and location of acknowledgments, shall be determined by the City Engineer.

B. The scale of the map shall be one inch equals forty (40) feet or as otherwise permitted by the City Engineer, but in any case the map shall show clearly all details of the subdivision.

C. All dimensions shall be shown in feet and hundredths of a foot. No ditto

marks shall be used.

D. If more than three (3) sheets are necessary to show the entire subdivision, an index map shall be included on the first sheet. Sheet size shall not exceed twenty (20) inches by twenty-six (26) inches.

E. The parcel map number, scale and north arrow shall be shown on each appropriate sheet.

F. A title sheet, designated as page number one of the parcel map, shall be provided; except that, where the size of the subdivision permits, in lieu of a separate title sheet, the information required to be shown thereon may be shown on the same sheet as the map of the subdivision.

G. The parcel map shall be so made and shall be in such condition when filed that legible prints and negatives can be made there from. (Legislative History Ord. No. 09-026.)

17.08.070 Title Sheet of Parcel Map.

The title sheet shall contain the following information:

A. Title, consisting of the words "Parcel Map" and followed by the parcel map name, if any, conspicuously placed at the top of the sheet.

B. Below the title shall be a subtitle consisting of a description of all property being subdivided by reference to such map or maps of the property shown thereon as shall have been last previously recorded or filed in the Solano County Recorder's office, or shall have been last previously filed with the Solano County Clerk pursuant to a final judgment in any action in partition, or shall have been previously filed in the office of the Solano County Recorder under authority of the Subdivision Map Act or by reference to the plat of any United States survey. The description shall also include reference to any vacated area with the number of the ordinance vacating said area, followed by the words "City of Dixon, California," followed by the month and year of recording.

References to tracts and subdivisions in the description must be worded identically with original records and references to book and page of record must be complete.

C. Following the description shall be the name of the engineer or surveyor preparing the map and the sheet numbering.

D. Affidavits, certificates, acknowledgments, endorsements, acceptances, and notarial seals required or authorized by the Subdivision Map Act and by this Title. The Surveyor's statement, City Engineer's statement, Community Development

Director's statement, the Solano Irrigation District's statement on behalf of the Dixon-Solano Municipal Water Service (DSMWS if within the DSMWS service area), City Clerk's statement, and Recorder's statement shall be shown on Sheet 1.

E. Where a field survey is required, the basis of bearings used in the survey, making reference to some recorded subdivision map or other record acceptable to the City Engineer. (Legislative History Ord. No. 09-026.)

17.08.080 Information on Parcel Map.

The parcel map shall substantially conform to the tentative map approved or conditionally approved by the Council or Commission (including all approved modifications) and shall contain the following information and such additional information as stated in Section 17.07.050 (Information on Final Map) as may be required by the City Engineer:

A. The boundary line of the subdivision shall be designated by a bold border inside the boundary line. Such border shall be of such density to appear on a blue line print of the map without obliterating any figures, lines or other data.

B. Where a field survey is required, all survey data and information required by Section 17.11.120 (Survey Data and Information to be Shown on Final Map or Parcel Map).

C. All lots or parcels intended for sale or reserved for private purposes with all dimensions, boundaries and courses clearly shown and defined in each case.

D. Each parcel shall be identified by a number.

E. The location and width of streets, alleys, pedestrianways, and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; the names of streets.

F. The lines of public easements to which the lots are subject shown in fine, dashed lines; the lines, bearings and dimensions of easements deeded to the City.

G. All limitations on rights of access to and from streets and lots and other parcels of land. (Legislative History Ord. No. 09-026.)

17.08.090 Statements, Fees, Documents and Other Data to Accompany Parcel Map.

The following statements, filing fees, documents and other data, and as many additional copies thereof as may be required, shall be filed with the parcel map:

- A. The names, addresses and telephone numbers of the record owner(s), subdivider and persons preparing the parcel map.
- B. A filing fee as established by resolution of the Council.
- C. An irrevocable offer of dedication of property for streets, alleys, pedestrian-ways, equestrian or hiking trails, biking paths, drainage channels, sewers, other easements or for any public purpose or future public purpose when the dedication is not made by certificate on the parcel map. The offer shall be on a form approved by the City Attorney and the City Engineer for recordation in the office of the Solano County Recorder, and shall be in such terms as to be binding on the owner, his/her heirs, assigns or successors in interest, and shall continue until the Council accepts or rejects such offer.
- D. A guarantee of title or letter from a title company doing business in the City, approved by the City Engineer certifying that the signatures of all persons signing offers of dedication and the certificate required by subdivision (f) of Section 66445 of the Subdivision Map Act and signing all acknowledgments thereto appear and are correctly shown.
- E. Where a field survey has been made, the engineer or surveyor under whose supervision the survey was made shall furnish the City Engineer with a traverse sheet in a form approved by the City Engineer giving latitudes, departures and coordinates and showing the mathematical closure.
- F. The plans, profiles, cross sections, specifications, and applicable permits for the construction and installation of improvements as required by Chapter 12 (Subdivision Improvements).
- G. A final grading plan. Submission of a final grading plan may be waived by the City Engineer when he or she determines that the submission of said plan is not required for proper grading, flood hazard mitigation and erosion control of the subdivision.
- H. The agreement to make improvements and the security for such improvements as required by Chapter 12 (Subdivision Improvements).
- I. All protective covenants, conditions, restrictions or affirmative obligations in the form in which the same are to be recorded when the approval thereof by the City has been made a condition of approval of the tentative map.
- J. All other data required by law or as a condition of approval of the tentative map, including plans, reports, agreements, permits, fees, security or other requirement. (Legislative History Ord. No. 09-026.)

17.08.100 Survey of Parcel Map.

Where the subdivision creates four (4) parcels or fewer, the parcel map may be compiled from available record data when the City Engineer determines that sufficient survey information exists on filed maps and when the location of any boundary of the parcel map, either by monuments or possessory lines, is certain.

All other parcel maps shall be based upon a field survey made in accordance with the provisions of Chapter 11 (Surveys and Monuments) of this Title. (Legislative History Ord. No. 09-026.)

17.08.110 Processing of Parcel Map - Filing.

The subdivider shall cause the surveyor's statement to be executed and shall file with the City Engineer as many prints of the original tracing of the parcel map as may be required. A parcel map shall not be considered as having been filed unless and until it complies with all provisions of this Chapter and the statements, filing fees, documents and other data required to accompany the parcel map have been submitted in a form acceptable to the City Engineer.

Where offers of dedications of land are to be made in conjunction with the parcel map and are not made by statement on the parcel map, the subdivider shall transmit the instrument of dedication and the accompanying title report to the City Engineer. Said instrument shall include a plat showing the area being dedicated. In such cases, the parcel map shall not be considered as having been filed unless and until the offer of dedication has been approved for recordation as provided in Section 17.08.120. (Legislative History Ord. No. 09-026.)

17.08.120 Separate Dedications.

Dedications may be required to be made by separate instrument. After receiving the instrument of dedication and accompanying title report, the City Engineer shall approve or disapprove the instrument of dedication as to its suitability for recordation. After approving an offer to dedicate, the City Engineer shall record the offer in the office of the Solano County Recorder.

If said offer of dedication is subsequently rejected by the Council, the City Engineer shall issue a release from such offer, which shall be recorded in the office of the Solano County Recorder. (Legislative History Ord. No. 09-026.)

17.08.130 Action by the City Engineer.

Upon acceptance of the parcel map and accompanying documents, fees and materials for filing, the City Engineer shall cause the same to be examined, and if found to be in substantial conformity with the approved tentative map and all amendments, conditions, modifications and provisions made or required by the

advisory agency and Council, and if found to be complete, technically correct, in conformity with the improvement plans and specifications, and in compliance with the requirements of this Title, planned street lines, other applicable specific plans and ordinances, shall execute the City Engineer's certificate on the map and shall submit to the Community Development Director for approval and acceptance of dedications. No parcel map shall be certified until the required improvements have been installed or agreed to be installed in accordance with Chapter 12 (Subdivision Improvements). Should the map or other accompanying documents, fees or materials be found to be incomplete or incorrect in any respect, the subdivider shall be advised in writing, by mail, of the changes or additions that must be made before the map may be certified. (Legislative History Ord. No. 09-026.)

17.08.140 Waiver of Parcel Map - Conveyance to Public Body.

A parcel map need not be filed for a conveyance of land to a governmental agency or public entity in accordance with Government Code Section 66426.5. (Legislative History Ord. No. 09-026.)

17.08.150 Waiver of Parcel Map.

The requirement for filing a parcel map may be waived by the Commission for projects not requiring Council approval and by the Council for those projects requiring Council approval. An application for waiver of the parcel map shall be filed at the time of filing of the tentative map.

The parcel map may be waived only if the Commission or Council determines that all of the following conditions are satisfied:

- A. **Findings:** The parcel map may be waived only if the Commission or Council makes the following findings:
 - 1. The subdivision conforms to all requirements of this Title, other provisions of the City Code, provisions of the Subdivision Map Act, and other applicable laws, regulations and standards, including, but not limited to, those with respect to area, improved public roads, sanitary disposal facilities, water supply availability and environmental protection.
 - 2. The subdivision conforms to the General Plan and any applicable specific plan;
 - 3. The parcel map is not necessary to ensure the accuracy of the description of property, location of property lines, or monumenting of property lines.

B. **Conditions:** In addition to the foregoing requirements of this Section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 17.08.090 and the requirements of the Subdivision Map Act.
2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.
3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.
4. A filing fee established by resolution by the Council must be paid.

(Legislative History Ord. No. 09-026.)

Chapter 17.09 Vesting Tentative Maps - General Provisions

Sections:

- 17.09.010 Citation and Authority.**
- 17.09.020 Purpose and Intent.**
- 17.09.030 Consistency.**
- 17.09.040 Application.**
- 17.09.050 Filing and Processing.**
- 17.09.060 Development Rights Upon Approval.**
- 17.09.070 Administration of Vested Rights.**
- 17.09.080 Termination of Vested Rights.**

17.09.010 Citation and Authority.

This ordinance is enacted under the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance. (Legislative History Ord. No. 09-026.)

17.09.020 Purpose and Intent.

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (Government Code Subsections 66410-

66499.58) and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development. (Legislative History Ord. No. 09-026.)

17.09.030 Consistency.

No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.09.040 Application.

A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction. (Legislative History Ord. No. 09-026.)

17.09.050 Filing and Processing.

A vesting tentative map shall be filed in the same form and have the same contents as set forth in the Subdivision Ordinance for a tentative map. The vesting tentative map shall be subject to the additional minimum requirements set forth in subdivision (b) below. The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Community Development Director. The vesting tentative map, accompanying data and reports shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map, except as hereinafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B. At the time a vesting tentative map is filed, the subdivider shall also supply the following information:

1. Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in

accordance with City standards and approved by the City Engineer.

2. Plans for all site development, including, but not limited to, grading, drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the City Engineer.
3. Geological studies in such form as acceptable to the City Engineer and the Building Official, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
4. Specific information about the uses of the existing or proposed buildings.
5. The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
6. Architectural plans satisfactory for review by the Community Development Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.
7. Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for staff review.
8. Traffic reports and analysis, in a form approved by the City Engineer.
9. Acoustical report, prepared by a licensed engineer in a form acceptable to the Community Development Director following the guidelines of the noise element of the general plan.
10. Sewer, water, storm drainage, road and other studies required to complete the plans.
11. Flood control information and statements showing compliance with flood hazard regulations.
12. Existing and proposed overhead and underground utility improvement details.
13. A tree preservation plan. If there are no trees on the site, a statement to that effect should appear on the vesting tentative map. The tree preservation plan shall accurately identify all existing trees as to

species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, transplanting, or new planting shall be identified.

14. In those circumstances where a development plan review is required by ordinance, development agreement, conditional use permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.
15. In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Dixon Zoning Ordinance of the Dixon City Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.
16. Such other exhibits that fully depict features of the development which the developer desires review for the purpose of approval concurrently with the vesting tentative map.
17. The Community Development Director may request, and the applicant shall promptly furnish, information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

C. In the case of a vesting tentative map, the application shall be filed concurrently with any plan amendments, rezoning, planned development designations, conditional use permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved. (Legislative History Ord. No. 09-026.)

17.09.060 Development Rights Upon Approval.

The approval of a vesting tentative map by the Council shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to Section 65943 of the Government Code or such later date as is provided for in the Subdivision Map Act.

A. This ordinance does not enlarge, diminish, or alter the power of the Council to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.

B. Nothing in this ordinance removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.

C. In the event that Section 66474.2 of the Government Code is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.

D. Notwithstanding this ordinance, the Council may condition or deny a permit, extension or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
2. The condition or denial is required in order to comply with state or federal law.

(Legislative History Ord. No. 09-026.)

17.09.070 Administration of Vested Rights.

In administering an approved vesting tentative map, the following shall be applicable:

A. Approval of a vesting tentative map applies only to actions considered and approved by the Council. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

B. The vested rights conferred by approval of a vesting tentative map shall last one (1) year from recordation of the final map.

C. When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial "vesting period" shall begin for each phase on the date the final map for that phase is recorded.

D. Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the

date a complete application is filed.

E. At any time prior to the expiration of the initial time period provided by this Section, the subdivider may apply to the Commission for a one-year extension. If the extension is denied by the Commission, the subdivider may appeal that denial to the legislative body within 15 days. (Legislative History Ord. No. 09-026.)

17.09.080 Termination of Vested Rights.

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

A. A final map is not recorded within one (1) year of approval of the vesting tentative map.

B. If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation.

C. The expiration of a building permit, including any extension granted, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid. (Legislative History Ord. No. 09-026.)

Chapter 17.10 Subdivision Design Standards

Sections:

- 17.10.010 General Design Standards.**
- 17.10.020 General Access Requirements.**
- 17.10.030 Existing Streets and Un-subdivided Land.**
- 17.10.040 Provisions for Re-subdivision.**
- 17.10.050 Waiver of Access Rights.**
- 17.10.060 Intersections.**
- 17.10.070 Local Streets.**
- 17.10.080 Cul-de-Sac Streets.**
- 17.10.090 Right-of-Way Widths and Improvement Design.**
- 17.10.100 Grades.**
- 17.10.110 Curve Radii.**
- 17.10.120 Street Names.**
- 17.10.130 Alleys.**
- 17.10.140 Pedestrian-ways.**
- 17.10.150 Walking and Biking Paths.**
- 17.10.160 Utility Easements Other Than Inside Front Property Line.**
- 17.10.170 Utility Easements Inside Front Property Line.**
- 17.10.180 Other Easements.**
- 17.10.190 Easements for Centralized Mail Services.**
- 17.10.200 Block Size.**
- 17.10.210 Block Corners.**

- 17.10.220 Lots – Width and Area for Single and Two-Family Uses.**
- 17.10.230 Lot Size Compatible With Nearby Lots.**
- 17.10.240 Flag Lots.**
- 17.10.250 Lots - Access to Two Parallel Streets Discouraged.**
- 17.10.260 Lots Adjoining City Limits.**
- 17.10.270 Property Remnants.**
- 17.10.280 Lot Drainage.**
- 17.10.290 Open Space Ownership and Maintenance.**
- 17.10.300 Storm Drain Facilities.**
- 17.10.310 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.**
- 17.10.320 Protection of Natural Resources.**
- 17.10.330 Provision for Future Passive or Natural Heating or Cooling Opportunities.**

17.10.010 General Design Standards.

The size, design, character, grade, location and orientation and configuration of lots within a proposed subdivision and improvements required in connection therewith shall be consistent with the density and uses authorized for the area by the general plan, the applicable specific plan, the zoning ordinance, and other land use regulations.

The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site (including soil conditions), the nature or extent of existing development, the availability of public utilities, environmental habitat or wildlife preservation or protection, or other provisions of this Title.

All subdivisions shall result in lots which can be used or built upon. No subdivision shall create lots which are impractical for improvement or use due to the location of water courses, size, shape, inadequate frontage or access or building area or other physical condition. (Legislative History Ord. No. 09-026.)

17.10.020 General Access Requirements.

Each local street providing access to lots within a subdivision shall connect directly or through one or more minor streets to a collector street or major street.

Each route of access to collector streets or major streets and its point of connection therewith shall be adequate to safely accommodate the composition and volume of vehicular traffic generated by the land uses which it serves.

In determining the adequacy of a route of access, the deployment of fire equipment or other services under emergency conditions shall be considered by the Approving

Authority.

A tentative map which makes use of a local street which passes through a predominately residential neighborhood as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood may be denied by the Approving Authority.

The terms used to describe streets in this Title shall have the meanings ascribed to those terms as are found in the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.10.030 Existing Streets and Unsubdivided Land.

Streets shall be laid out to conform to the alignment of existing streets in adjoining subdivisions and to the logical continuation of existing streets where the adjoining land is not subdivided.

The realignment of streets in contemplation of the development or use of adjoining property and the provision of streets or dead-end street extensions to facilitate the subdivision of adjoining property may be required by the Approving Authority.

Permanently dead-ended streets (except cul-de-sacs as defined in this Title) are prohibited. When a street is temporarily dead-ended, a barricade or temporary turning area or temporary connection to another street may be required. Permanent turnarounds may be required by the Approving Authority at the end of dead-end streets where the future extension of the street is remote. (Legislative History Ord. No. 09-026.)

17.10.040 Provisions for Re-subdivision.

Where property is subdivided into lots substantially larger than the minimum size required by this Title or by the zoning districts in which the subdivision is located, whichever is most restrictive, streets and lots shall be required by the Approving Authority to be laid out so as to permit future re-subdivision in accordance with the provisions of this Title. (Legislative History Ord. No. 09-026.)

17.10.050 Waiver of Access Rights.

A frontage road, or through or side-on lots, or other types of limited access layout may be required by the Approving Authority where a subdivision adjoins or contains an existing or proposed freeway or major street. To accomplish the purpose of this Section, waivers of vehicular and pedestrian access rights to the freeway or major street may be required by the Approving Authority.

Waivers of vehicular and pedestrian access rights may also be required by the

Approving Authority to prevent a local or collector street which passes through a predominantly residential neighborhood from being used as a route of access to industrial, commercial or other subdivisions generating traffic which would conflict with the residential character of the neighborhood. (Legislative History Ord. No. 09-026.)

17.10.060 Intersections.

All streets shall intersect or intercept each other according to the City Standard Specifications. Street alignment shall provide for streets entering opposite each other to have their center lines directly opposite. (Legislative History Ord. No. 09-026.)

17.10.070 Local Streets.

Local streets shall be laid out so that their use by through traffic shall be discouraged. Maps of proposed subdivisions containing excessively long, straight residential streets, conducive to high-speed traffic, shall normally be denied by the Approving Authority. Curvilinear streets, or traffic calming measures, shall be encouraged to the extent feasible given the parameters of Section 17.10.340. (Legislative History Ord. No. 09-026.)

17.10.080 Cul-de-Sac Streets.

A cul-de-sac street created by the proposed subdivision shall conform to the City Standard Specifications. A proposed cul-de-sac street may be reduced in length or may be eliminated by the Approving Authority in order to provide for the efficient circulation of traffic, the future development of the neighborhood street system or the deployment of emergency services. (Legislative History Ord. No. 09-026.)

17.10.090 Right-of-Way Widths and Improvement Design.

All street, pedestrian-way and alley rights-of-way and the location of improvements therein shall be designed to conform to the City Standard Specifications except where a special cross-section is required to conform to an adopted planned street line or an applicable specific plan. For any street for which the Dixon General Plan or the City Bikeway Plan indicates that an on-street bikeway shall be provided, such width shall be increased according to the City Standard Specifications in order to provide for the bikeway. (Legislative History Ord. No. 09-026.)

17.10.100 Grades.

Grades of all streets shall be consistent with adequate surface drainage requirements and the approved grading plan of the proposed subdivision. (Legislative History Ord. No. 09-026.)

17.10.110 Curve Radii.

All curves shall have sufficient length to avoid the appearance of an angle point. Centerline radii and reverse curves shall be consistent with the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.10.120 Street Names.

The proposed street name of each street shall be as shown on any approved tentative map, final map or parcel map and shall be subject to final approval of the Approving Authority. The Council may replace any proposed street name found on such maps with a new name by minute action of the Council approved by a majority of the members of the Council.

Each proposed public street that is a continuation of, or approximately the continuation of, any existing dedicated street shall be given the same name as the existing street. Where any such street forms a portion of any proposed street ordered by the Council to be surveyed, opened, widened, or improved, and such street is shown on the final map, the name of such street shall be the same as the name contained in the order of the Council. Streets shall be named with an appropriate suffix such as "Avenue," "Court," "Drive," or "Street." Cul-de-sac streets shall be named with "Place" or "Court" as the suffixes. Privately owned streets shall be named with the suffix "Lane."

The names of streets within a subdivision should be of the same type. The categories of street names include, but are not limited to, the following:

1. Trees
2. Birds
3. Flowers
4. Mountains
5. Rivers
6. National parks/Historic sites
7. California cities and counties
8. Historic Dixon families
9. Dixon citizens making significant contributions to the community

10. Dixon veterans killed or missing in action
11. Historic Californians
12. California governors
13. Presidents of the United States
14. Medical/business/scientific leaders
15. Generals and admirals of U. S. Armed Forces
16. California Native American tribes

Categories not on this list are subject to the approval of the Approving Authority, upon review of the tentative map or parcel map where no tentative map is required by this Title.

Major streets, whenever possible, should be named after historic Dixon families. A list of historic Dixon family names is on file in the Community Development Department.

No streets shall be named after a Councilmember, Commissioner, or City representative until such person has been out of office for a minimum of five years. (Legislative History Ord. No. 09-026.)

17.10.130 Alleys.

Alleys shall not normally be permitted in a single-family development except where a subdivision modification is approved. (Legislative History Ord. No. 09-026.)

17.10.140 Pedestrianways.

Improved pedestrian-ways not less than fifteen (15) feet in width may be required by the Approving Authority where needed for traffic safety or for access to schools, playgrounds, shopping facilities, other community facilities or scenic easements. (Legislative History Ord. No. 09-026.)

17.10.150 Walking and Biking Paths.

Walking and biking paths shall be provided in locations established by the general or specific plans. Adequate access points for the public, maintenance and emergency vehicles and parking facilities shall be provided as necessary. (Legislative History Ord. No. 09-026.)

17.10.160 Utility Easements Other Than Inside Front Property Line.

Utility easements shall be reviewed and approved on a case-by-case basis by the Approving Authority and shall be consistent with the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.10.170 Utility Easements Inside Front Property Line.

Easements inside the front property line shall be provided and typically shall be ten (10) feet in width for utilities, street lights, signage, and similar such uses. (Legislative History Ord. No. 09-026.)

17.10.180 Other Easements.

The width and location of easements for storm drains or flood control channels, slope rights and other public uses shall be determined by the Approving Authority at the time of tentative map approval or parcel map approval where no tentative map is required by this Title; provided, however, when the Council has previously determined such matters that decision shall be binding upon the Commission acting as the Approving Authority. The decision of the Approving Authority on such matters should take into consideration the recommendations of the City Engineer as to such matters whenever possible.

Open space, public access, public waterway recreational and scenic easements shall be provided at such locations and to configurations as are deemed necessary by the Approving Authority to accomplish the objectives, policies and programs of the General Plan and in accordance with the purposes and policies of this Title, any other applicable specific plan of the City, and the requirements of the Subdivision Map Act.

Reciprocal driveway and cross-access easements shall be required by the Approving Authority when determined necessary. (Legislative History Ord. No. 09-026.)

17.10.190 Easements for Centralized Mail Services.

To promote the public health, safety or welfare, centralized postal service facilities with any required easements shall be provided in all subdivisions at locations determined by the Approving Authority after consultation with the U.S. Postal Service. (Legislative History Ord. No. 09-026.)

17.10.200 Block Size.

Blocks shall be designed to allow for adequate building sites for the type of use proposed; to allow for convenient pedestrian and vehicular circulation, access, traffic control and safety; and with regard to limitations created by topography. (Legislative

History Ord. No. 09-026.)

17.10.210 Block Corners.

At intersections, all block corners shall have face of curb. Right-of-way radii shall be as established in the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.10.220 Lots - Width and Area for Single and Two-Family Uses.

The width and area of all lots proposed for residential uses shall conform to the General Plan and Zoning Ordinance. (Legislative History Ord. No. 09-026.)

17.10.230 Lot Size Compatible With Nearby Lots.

When determined necessary by the Approving Authority to promote the general welfare, and assure the orderly development of the community, residential lots within a proposed subdivision may be required to be increased in size so as to more closely conform to the size of existing nearby lots fronting on the same street. (Legislative History Ord. No. 09-026.)

17.10.240 Flag Lots.

Flag lots for any proposed usage may be approved by the Approving Authority if the following findings are made:

- A. Either the flag lot is required by existing conditions, or there is no alternative design for the development of the interior portions of excessively deep parcels; and
- B. The flag lot will not be detrimental to public health, safety or welfare. (Legislative History Ord. No. 09-026.)

17.10.250 Lots - Access to Two Parallel Streets Discouraged.

Lots proposed for single-family and two-family uses with access to two parallel streets shall be discouraged. (Legislative History Ord. No. 09-026.)

17.10.260 Lots Adjoining City Limits.

No lot shall be divided by a City (limit) boundary line. (Legislative History Ord. No. 09-026.)

17.10.270 Property Remnants.

Remnants of property which do not conform to lot requirements or are not required for a public utility, private utility, or other public use shall not be created by or left in a subdivision. (Legislative History Ord. No. 09-026.)

17.10.280 Lot Drainage.

All lots shall be graded to provide adequate, positive drainage. Provision shall be made for proper erosion control, including the prevention of sedimentation or damage to off-site property. (Legislative History Ord. No. 09-026.)

17.10.290 Open Space Ownership and Maintenance.

Areas within a subdivision designated or planned as open space or for use for park and recreation purposes shall be shown as part of the General Plan, any applicable Specific Plan and shall be at a location within the subdivision acceptable to the Approving Authority. Areas shall be either:

- A. Designated as a separate parcel(s) and offered for dedication to the City for park and recreation purposes.
- B. Designated as a separate parcel(s) and maintained as common open space.
- C. Contained within the various lots of the subdivision and maintained by the owners of such lots. (Legislative History Ord. No. 09-026.)

17.10.300 Storm Drain Facilities.

Storm drains shall be designed in conformance with the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.10.310 Private Streets in Planned Developments, Condominiums, or Community Apartment Projects.

Where access to lots or structures within a planned development, condominium or community apartment project is to be provided by a system of private streets, the width, design and configuration of said street system shall be adequate to permit the safe deployment of fire equipment or other services under emergency conditions as determined by the Approving Authority. (Legislative History Ord. No. 09-026.)

17.10.320 Protection of Natural Resources.

The configuration of lots and the design of improvements shall, to the extent deemed reasonable by the Approving Authority, preserve indigenous natural resources such as, but not limited to, trees, shrubs, wildlife and their habitat.

(Legislative History Ord. No. 09-026.)

17.10.330 Provision for Future Passive or Natural Heating or Cooling Opportunities.

The design of a subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision in compliance with Government Code Section 66473.1, or as that Section may be amended in the future. Factors to be considered include, but are not limited to, both street and parcel orientation. For residential subdivisions, the east-west length of each block should be at least as long, or longer, as the north-south length of each block. To the extent feasible, seventy percent (70%) or more of the parcels should be oriented to allow both the parcel's and the building's longest axis to be within 30 degrees of geographic east-west. (Legislative History Ord. No. 09-026.)

Chapter 17.11 Surveys and Monuments

Sections:

- 17.11.010 Survey Procedure and Practice.**
- 17.11.020 Traverse.**
- 17.11.030 Survey Data.**
- 17.11.040 Grid Monuments.**
- 17.11.050 Monuments.**
- 17.11.060 Boundary Monuments.**
- 17.11.070 Interior Monuments.**
- 17.11.080 Deferred Monuments.**
- 17.11.090 Monument Type and Positioning.**
- 17.11.100 Monument Identification Marks.**
- 17.11.110 Replacement of Destroyed Monuments.**
- 17.11.120 Survey Data and Information to be Shown on Final Map or Parcel Map.**

17.11.010 Survey Procedure and Practice.

The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map or parcel map, shall conform to the standard practices and principles of land surveying, the Land Surveyor's Act of the State of California, and the provisions of this Chapter. (Legislative History Ord. No. 09-026.)

17.11.020 Traverse.

The traverse of the exterior boundaries of the tract computed from field measurements of the ground must close within a limit of error of one foot to 20,000 feet of perimeter before balancing survey. (Legislative History Ord. No. 09-026.)

17.11.030 Survey Data.

The engineer or surveyor making the survey shall show references, ties, locations, elevations and other necessary data relating to monuments set in accordance with the requirements of this Title.

If exterior boundary monuments are to be set after recordation of the final map or parcel map, as provided by Section 17.11.060 (Boundary Monuments), the City Engineer shall require, prior to accepting such map for filing, the reference of said monuments to a sufficient number of adjacent reference points to accurately set each boundary monument after recordation of said map, the setting of only a portion of the boundary monuments, or the submission of complete field notes as evidence of a thorough survey. (Legislative History Ord. No. 09-026.)

17.11.040 Grid Monuments.

Wherever the City Engineer has established a system of coordinates which is within a reasonable distance of the subdivision boundary, as determined by the City Engineer, the field survey shall be tied into such system. (Legislative History Ord. No. 09-026.)

17.11.050 Monuments.

In making the survey of the subdivision, the engineer or surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced.

At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. At least one (1) exterior boundary line shall be monumented prior to recording the final map. Other monuments shall be set as required by the City Engineer. (Legislative History Ord. No. 09-026.)

17.11.060 Boundary Monuments.

Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately 1,000 feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.

All exterior boundary monuments shall be set prior to recordation of the final map or parcel map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the boundary

monuments are to be set after recordation of the final map or parcel map, prior to the submission of such map to the City Engineer for filing, the engineer or surveyor making the survey shall, in addition to furnishing field notes showing the boundary survey as required by Section 17.11.030 (Survey Data), furnish evidence acceptable to the City Engineer to substantiate his or her reasons for deferring the setting of such monuments until after recordation of such map. (Legislative History Ord. No. 09-026.)

17.11.070 Interior Monuments.

Interior monuments shall be set along streets as provided in City Standard Specifications. Interior monuments may be set after the final map or parcel map is recorded. (Legislative History Ord. No. 09-026.)

17.11.080 Deferred Monuments.

In the event any or all of the required monuments are to be set after recordation of the final map or parcel map, the engineer or surveyor shall follow procedures per Section 66496 and 66497 of the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.11.090 Monument Type and Positioning.

Boundary monuments shall consist of one inch (1") diameter iron pipes, eighteen inches (18") long or as approved by the City Engineer. Temporary interior monuments for construction purposes shall consist of two inches (2") by two inches (2") by eight inches (8") long wood hubs with cup tacks. Permanent interior monuments shall be in accordance with City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.11.100 Monument Identification Marks.

All boundary monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey was made. (Legislative History Ord. No. 09-026.)

17.11.110 Replacement of Destroyed Monuments.

Any boundary monument set as required herein which is disturbed or destroyed before acceptance of all improvements by the City shall be replaced by the subdivider's engineer or surveyor. (Legislative History Ord. No. 09-026.)

17.11.120 Survey Data and Information to be Shown on Final Map or Parcel

Map.

The following survey data and information shall be shown on each final map or parcel map for which a field survey was made pursuant to the provisions of this Title:

- A. The basis of bearing used in the field survey, making reference to a recorded subdivision map or other record acceptable to the City Engineer.
- B. Stakes, monuments (together with their precise position) or other evidence found on the ground to determine the boundaries of the subdivision.
- C. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and page of record or by section, township and range or other proper designation.
- D. All information and data necessary to locate and retrace any point or line without unreasonable difficulty.
- E. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set."
- F. Bearing and length of each lot line, block line and boundary line and each required bearing and distance.
- G. Length, radius and bearings of terminal radii of each curve and the bearing of each radial line to each lot corner on each curve.
- H. The centerline of any street or alley in or adjoining the subdivisions, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to be provided, shall be in accordance with the requirements of City Standard Specifications. (Legislative History Ord. No. 09-026.)

Chapter 17.12 Subdivision Improvements

Sections:

- 17.12.010 Improvements Required.**
- 17.12.020 Improvement Plans and Permits Required.**
- 17.12.030 Preparation and Form of Improvement Plans.**
- 17.12.040 Commencement of Improvement Work.**
- 17.12.050 Grading Permit.**
- 17.12.060 Construction and Installation Standards.**
- 17.12.070 Utility Line Installation Standards.**
- 17.12.080 Temporary Improvements.**

- 17.12.090 Inspection of Improvement Work.**
- 17.12.100 Coordination of Improvement Work.**
- 17.12.110 Improvements Waived - Clarifying Records or Reversion to Acreage.**
- 17.12.120 Improvements Requirements.**
- 17.12.130 Over sizing Improvements; Reimbursement.**
- 17.12.140 Subdivision Improvement Agreements.**
- 17.12.150 Form, Filing and Term of Improvement Agreements.**
- 17.12.160 Minimum Agreement Provisions.**
- 17.12.170 Additional Agreement Provisions.**
- 17.12.180 Improvement Security Required.**
- 17.12.190 Form, Filing and Term of Improvement Security.**
- 17.12.200 Liability for Alterations or Changes.**
- 17.12.210 Release of Improvement Security – Assessment District Proceedings.**
- 17.12.220 Release of Improvement Security.**

17.12.010 Improvements Required.

The subdivider shall construct or install all improvements in streets, alleys, water mains, sanitary sewers, storm drain systems, sidewalks, bike paths, easements and other rights-of-way as are deemed necessary by the Approving Authority for the general use of residents of the subdivision and to meet requirements of the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.12.020 Improvement Plans and Permits Required.

Improvement plans shall be completed by the subdivider, and approved by the City Engineer, prior to the acceptance of the final map or parcel map for processing by the City Engineer and approval by the Approving Authority.

Improvement plans shall conform to Standard Specifications adopted by the Council. The final map shall not be deemed to be submitted for approval until the approval of said plans by the City Engineer. (Legislative History Ord. No. 09-026.)

17.12.030 Preparation and Form of Improvement Plans.

Improvement plans shall be prepared by or under the direction of a registered civil engineer and shall show full details of all improvements required to be installed by the provisions of this Title, and of all other improvements proposed to be installed by the subdivider within any street, alley, pedestrianway, easement or other public area or right-of-way. Full details shall include cross sections, profiles, estimated costs and specifications.

The form, layout, scale and other particulars of the plans, and number of copies to

be provided, shall be in accordance with the City Standard Specifications. (Legislative History Ord. No. 09-026.)

17.12.040 Commencement of Improvement Work.

Prior to the commencement of grading, construction, or installation of any improvements within any street, alley, pedestrian-way, easement or other public area or right-of-way, improvement plans shall have been approved by the City Engineer and other affected agencies. (Legislative History Ord. No. 09-026.)

17.12.050 Grading Permit.

A grading permit issued by Building Official with the prior approval of the City Engineer is required for any person who engages in any of the following activities within the City:

1. Grading, or filling, or excavating, or disposing, when any such activity involves 350 cubic yards or more of soil or earthy material; or,
2. Clearing and grubbing, when such activity involves one (1) acre or greater of land.

When an improvement plan is being processed and includes those activities described above, the improvement plans will be subject to Section 16.04.040 of the Municipal Code, Erosion Control, or as amended. A grading permit may be issued by the Building Official in advance of improvement plan approval. A grading permit is not necessary when improvement plans have been approved by the Building Official or City Engineer.

Grading permits are not required for the following activities within the City:

1. The construction of swimming pools, basements, or footings of structures authorized by a valid building permit; or
2. The construction of underground utilities by a public agency or public agency or a contractor or agent of a public agency or public utility; or
3. The construction of single family residences on individual lots if authorized by a valid building permit; or
4. The production of planted agricultural crops; or
5. Situations posing an immediate threat to life or property, such as during flood, earthquake, or fire.

The City Council may, by resolution, establish reasonable fees for the issuance of

grading permits and provide procedure under which said permits are issued and enforced by the Building Official. Any violation of this Section shall constitute a misdemeanor and is subject to the enforcement procedures provided for in Subsection 17.18.01 of this Title. (Legislative History Ord. No. 09-026.)

17.12.060 Construction and Installation Standards.

Improvements shall be constructed and installed in accordance with the approved plans and in accordance with the applicable standard specifications established by the City. (Legislative History Ord. No. 09-026.)

17.12.070 Utility Line Installation Standards.

In all portions of a subdivision, utility lines, including but not limited to electrical, natural gas, telephone, cable television and street lighting service lines, shall be placed underground; provided, however, that incidental, appurtenant equipment such as transformers, terminal boxes and meter cabinets may be placed above ground when, with approval of the City Engineer, it is impractical under the circumstance of a given case to place same underground. (Legislative History Ord. No. 09-026.)

17.12.080 Temporary Improvements.

In addition to permanent improvements, temporary improvements, such as but not limited to, turnaround areas or access walkways, may be required to be made prior to or concurrent with permanent improvements. (Legislative History Ord. No. 09-026.)

17.12.090 Inspection of Improvement Work.

All improvements shall be constructed under the inspection of the City Engineer, and the subdivider shall cause all such improvement work to be inspected at such times as are established and required by the Director. The subdivider shall pay the City a fee to completely cover all of the City's costs in making such inspection, the rate of which shall be determined by resolution of the Council. (Legislative History Ord. No. 09-026.)

17.12.100 Coordination of Improvement Work.

All work and improvements contemplated by and performed pursuant to this Title shall be accomplished so as to minimize interference with and coordinate with other construction activities or developments of or on behalf of the City and nearby private development. (Legislative History Ord. No. 09-026.)

17.12.110 Improvements Waived - Clarifying Records or Reversion to

Acreage.

If it is determined by the City Engineer that the subdivision has been submitted only for the purpose of clarifying records by consolidating existing lots and metes and bounds parcels, or for the purpose of absorbing vacated streets or alleys by reversion to acreage, or both, the Council may, upon recommendation of the City Engineer, waive all or a portion of the improvements which otherwise would be required. (Legislative History Ord. No. 09-026.)

17.12.120 Improvements Requirements.

The improvements required by this Chapter as conditions of approval of the final map or parcel map shall be consistent with the City Standard Specifications and may include, but are not limited to, the following:

- A. Grade and fill to a grade of site and construct all necessary grade crossings, culverts, bridges and other related works.
- B. Construct all drains, drainage facilities, channel improvements and other drainage works required to provide proper drainage for the subdivision.
- C. Construct and install concrete curbs, gutters and sidewalks on both sides of every street and on each side of an existing or dedicated street bordering the subdivision.
- D. Install water mains, sanitary sewer, storm drains, necessary appurtenances and all laterals required to serve each lot.
- E. Relocate or provide for the relocation of any underground or overhead utility, including irrigation lines and traffic signal lines, the relocation of which is necessitated by development of the subdivision.
- F. Underground all utilities, sanitary sewers, storm drains and other facilities installed in streets or alleys prior to the paving of such street. Service connections for all underground utilities and sanitary sewers shall be laid at such lengths to avoid disturbing the street, alley, or other improvements when service connections thereto are made.
- G. Install asphalt concrete pavement and base material in all existing or dedicated streets or portions thereof. Install or provide for the future installation of a seal coat.
- H. Install concrete sidewalks; concrete pavement in all existing or dedicated alleys, pedestrian-ways and bikeways; provided, however, pedestrian-ways and bikeways may be improved with asphaltic concrete pavement with the consent of the

City Engineer.

- I. Install or provide for the installation of street lighting facilities.
- J. Provide funds to cover the cost of warning devices or traffic signal equipment, or both, where required by traffic conditions related to the subdivision but not installed as part of the project and not covered by development fees.
- K. Construct and install street barricades and other safety devices in accordance with standard specifications.
- L. Construct such acceleration and deceleration lanes and traffic channelization devices in streets as are deemed necessary by the City Engineer.
- M. Construct walls or fencing, or both, along the subdivision boundary lines per City requirements.
- N. Construct improvements required and included as mitigation measures pursuant to CEQA. (Legislative History Ord. No. 09-026.)

17.12.130 Over sizing Improvements; Reimbursement.

As a condition of approval of a tentative map, it may be required by the Approving Authority that improvements installed by the subdivider for the benefit of the subdivision be of a supplemental size, capacity or number for the benefit of property not within the subdivision, and that said improvement be dedicated to the public. If such a condition is imposed, provision for reimbursement to the subdivider in the manner provided by Section 66486 of the Subdivision Map Act shall be contained in the Subdivision Improvement Agreement. (Legislative History Ord. No. 09-026.)

17.12.140 Subdivision Improvement Agreement.

If the required improvements are not satisfactorily completed before a final map or parcel map is filed with the City Engineer, the subdivider shall enter into an agreement with the City to make all improvements as may be required upon approval of such map. The requirements of such improvement agreement shall not be waived under any circumstances.

The purpose of the subdivision improvement agreement includes, among other considerations, eliminating and avoiding the harmful effects of premature subdivision which leaves property undeveloped and unproductive. Therefore, commencement of construction of the improvements under the agreement shall not be a condition precedent to the enforcement and requirement of specific performance under said agreement.

The benefit of the subdivision improvement agreement inures solely to the City and

shall not be construed to benefit any third parties not signatory to said agreement, including, but not limited to the following: lot purchasers; subcontractors; laborers; and suppliers. (Legislative History Ord. No. 09-026.)

17.12.150 Form, Filing and Term of Improvement Agreement.

The improvement agreement shall be in writing, shall be approved as to form by the City Attorney, and shall be secured and conditioned as provided in this Chapter. The City Engineer may require an acknowledged abstract of said agreement to be recorded simultaneously with the final map or the parcel map.

The improvement agreement, and any required acknowledged abstract thereof, shall be complete, subject to Council approval, and on file with the City Engineer before the final map or parcel map is accepted for filing. The term of each improvement agreement filed pursuant to the provisions of this Section shall begin on the date of filing and end upon the date of completion or fulfillment of all terms and conditions contained therein to the satisfaction of the City Engineer. (Legislative History Ord. No. 09-026.)

17.12.160 Minimum Agreement Provisions.

Said agreement shall include at least the following provisions:

- A. Mutually agreeable terms to complete all required improvements at the subdivider's expense.
- B. A provision that the subdivider shall comply with all requirements of this Title, of the City Code, and of other applicable laws, and with all terms and conditions of required improvement permits.
- C. A statement indicating a period of one year within which the subdivider shall complete all improvement work.
- D. A provision that if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the City may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing such work.
- E. Provision for the repair and replacement of defective material and workmanship of said improvements by the subdivider for a period of twelve (12) months after the improvements have been accepted by the Council.
- F. Provision for the inspection of all improvements of the subdivision by the City

Engineer for a period of twelve (12) months after said improvement acceptance date.

G. A provision guaranteeing payment to the City for all engineering and inspection costs and fees and all other incidental expenses incurred by the City.

H. A description of all lands within the exterior boundaries of the subdivision. (Legislative History Ord. No. 09-026.)

17.12.170 Additional Agreement Provisions.

The improvement agreement may also include the following provisions and such other additional terms and conditions as may be required upon approval of the tentative map or as are determined necessary by the Council to carry out the intent and purposes of this Title:

A. Provision for the repair, at the subdivider's expense, of any damage to public streets which may reasonably be expected to result from hauling operations necessary for subdivision improvements required by this Title, including the importing or exporting of earth for grading purposes.

B. Mutually agreeable terms to acquire public easements which are outside the boundaries of the subdivision at the subdivider's expense.

C. Mutually agreeable terms to improve, at some undetermined future date, easements offered and reserved for future public use at the subdivider's expense; and providing that such improvements shall be secured by separate cash bond in the manner prescribed by Sections 17.12.180 and 17.12.190; and further providing that only the requirements of this provision shall not delay the release of any other improvement security provided pursuant to the aforementioned Sections.

D. Provision for any reimbursement to be paid the subdivider under the provisions of Section 66486 of the Subdivision Map Act.

E. Provision for the setting of required monuments after the recordation of the final map or parcel map.

F. Provision for the method of payment of any fees imposed by this Chapter.

G. Provision for guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the City or the performance of the act. (Legislative History Ord. No. 09-026.)

17.12.180 Improvement Security Required.

A. **General:** Except as otherwise provided in Subsection 17.12.190.B, a subdivider shall secure the improvement agreement entered into pursuant to Section 17.12.160 in the following amounts:

1. **Performance Security:** An amount determined by the City Engineer to be one hundred percent (100%) of the total estimated cost of the construction or installation of the improvements or of the acts to be performed, securing the faithful performance and completion of the improvements or acts to be performed; and
2. **Payment Security:** An amount determined by the City Engineer to be not less than one hundred percent (100%) of the total estimated cost of the improvement or required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials or equipment for the construction or installation of the improvements or the performance of the required acts; and
3. **Warranty Security:** An amount of ten percent (10%) of the estimated cost of improvements shall be required for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials or equipment furnished.

B. **Nonprofit California Corporations:** Pursuant to Section 66499.3 of the Subdivision Map Act, entities that are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the State of California or one of its agencies, are exempt from the requirements of Subsections (1) and (2) of Subsection 17.12.190.A above, provided they meet and fulfill the alternative security requirements specified in Section 66499.3(c) of the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.12.190 Form, Filing and Term of Improvement Security.

The improvement security shall be conditioned upon the faithful performance of the improvement agreement and shall be in one of the forms provided in Section 66499 of the Subdivision Map Act. The specific form of the improvement security required for each agreement and the terms thereof shall be recommended by the City Engineer and shall be subject to the approval of the City.

A surety bond to secure the faithful performance of the agreement shall substantially conform to the form set forth in Section 66499.1 of the Subdivision Map Act. A surety bond to secure payment to the contractor, subcontractor, and persons furnishing labor, materials or equipment shall substantially conform to the form set forth in Section 66499.2 of said Act.

Improvement security shall be filed with the City, together with an executed Subdivision Improvement Agreement, before the City accepts the final map or parcel map for filing. (Legislative History Ord. No. 09-026.)

17.12.200 Liability for Alterations or Changes.

The liability upon the security given for the faithful performance of the agreement shall include the performance of any changes or alterations in the work; provided that all such changes or alterations do not exceed ten percent (10%) of the original estimated cost of the improvement. (Legislative History Ord. No. 09-026.)

17.12.210 Release of Improvement Security-Assessment District Proceedings.

If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and payment bond required by the special assessment act being used, the improvement security of the subdivider may be reduced by the City by the amount corresponding to the amount of such bonds furnished by the contractor. (Legislative History Ord. No. 09-026.)

17.12.220 Release of Improvement Security.

A. **Performance Security.** The performance security shall be released only upon completion or fulfillment of all terms and conditions of the improvement agreement and acceptance by the Council according to the procedures and schedule stipulated in the Subdivision Map Act. Such acceptance shall occur when the certificate of completion is verified by the City Engineer. If a warranty security is not submitted, performance security shall be released one (1) year after acceptance of improvements and correction of all warranty deficiencies.

B. **Payment Security.** Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment may, six (6) months after the completion and acceptance of the improvements by the Council, be reduced to an amount equal to the amount of all claims therefore filed and of which notice has been given to the City. The balance of the security shall be released upon the settlement of all claims and obligations for which the security was given.

C. **Warranty Security.** The warranty security shall be released upon satisfactory completion of the one (1) year warranty period, provided that all warranty deficiencies have been corrected as determined by an inspection by the City Engineer.

Pursuant to Government Code Sections 66499.7 and 66499.9, the release of improvement security as set forth above shall not apply to any costs, reasonable expenses or fees, including reasonable attorneys' fees. (Legislative History Ord. No. 09-026.)

Chapter 17.13 Subdivision Modifications

Sections:

- 17.13.010 Modification Authority.**
- 17.13.020 Required Findings and Conditions.**
- 17.13.030 Modification Filing Time.**
- 17.13.040 Filing Applications: Form and Content.**
- 17.13.050 Referrals.**
- 17.13.060 Consideration and Approval of Modifications.**

17.13.010 Modification Authority.

The Approving Authority may, in accordance with the provisions of this Chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by the Approving Authority, by this Title or by City standard specifications; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the Community Development Director, Commission or Council to authorize variances from the regulations and requirements of the Zoning Ordinance. Modifications may be recommended to the Council by the Commission when the Council is the Approving Authority. A minor change in the design of a subdivision which does not violate the requirements or standards imposed by this Title shall not be deemed to be a "modification" as the term is used herein.

Where a modification is sought from the requirements or standards imposed by this Title, and the same requirements or standards are imposed by the City Zoning Ordinance, a separate variance under the Zoning Ordinance shall not be required if public notice of hearing that has been given for the hearing on the modification makes reference to the provisions of the City Zoning Ordinance which also will be affected by the modification. (Legislative History Ord. No. 09-026.)

17.13.020 Required Findings and Conditions.

Before granting any modification, the Approving Authority shall make all the following findings:

- A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the

particular case to conform to the strict application of this Title.

B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.

D. That granting the modification is in accord with the intent and purposes of this Title and is consistent with the General Plan and with all other applicable specific plans of the City.

In granting a modification, the Commission or Council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the General Plan, with all applicable specific plans, and with the intent and purposes of this Title. (Legislative History Ord. No. 09-026.)

17.13.030 Modification Filing Time.

Modification requests shall either be filed with the tentative map or shall be filed during the period of time between approval of the tentative map and recordation of the final map or parcel map.

For the purposes of this Chapter, modifications filed prior to the approval of the tentative map shall be referred to as "pre-approval modifications," and modifications filed after approval of the tentative map shall be referred to as "post-approval modifications."

Action by the Approving Authority on any post-approval modification shall not extend the time for filing the final map or parcel map with the City Engineer. (Legislative History Ord. No. 09-026.)

17.13.040 Filing Applications: Form and Content.

Applications for any modifications shall be filed, in writing, by the subdivider in the Community Development Director upon a form and in the number of copies required by him or her for that purpose.

Each application shall state fully the nature and extent of the modification required, the specific reasons therefore, and the facts relied upon. The application shall clearly show that the modification is necessary and is consistent with each of the findings required by Section 17.13.020. A fee shall be established by resolution of the Council and shall accompany each application for a modification. Once the application is determined by the Community Development Director to be complete, it shall be filed with the clerk of the Commission. The request for modification shall be

acted upon by the Approving Authority within the time periods provided in the Permit Streamlining Act. (Legislative History Ord. No. 09-026.)

17.13.050 Referrals.

The Community Development Director shall submit the application to staff for review and shall transmit copies of the modification application for review and comment to such other public agencies or private parties affected by the proposed modification as the Director deems appropriate. (Legislative History Ord. No. 09-026.)

17.13.060 Consideration and Approval of Modifications.

A. **Review of Application for Modification.** Any application for modification shall be subject to staff review. Upon conclusion of the review, the Community Development Director shall within 30 days, make a recommendation based upon the information provided together with the results of his or her investigation. If the modification is recommended, a statement of any conditions attached thereto shall be forwarded to the subdivider. If disapproval is recommended, the subdivider shall be furnished with the statement of reasons for such recommendation.

B. **Notice and Hearing.** A pre-approval subdivision modification shall be noticed and approved in the same manner as the tentative map application, and shall be considered by the Approving Authority at the same meeting at which it considers the tentative map application. A post approval subdivision modification shall be noticed and approved by the Approving Authority in the same manner as a tentative map. A copy of the written findings made respect to a requested modification and a complete statement of any conditions of approval attached to an approved modification shall be placed on file with the secretary of the Approving Authority and copies thereof furnished to the subdivider

C. **Appeal.** A subdivider or interested person may appeal any action of the Approving Authority on a subdivision modification in accordance with the procedure set forth in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

Chapter 17.14 Reversions

Sections:

- 17.14.010 General.**
- 17.14.020 Initiation of Reversion Proceedings.**
- 17.14.030 Review of Petition.**
- 17.14.040 Findings for Reversion.**
- 17.14.050 Conditions for Reversion.**
- 17.14.060 Filing With Solano County Recorder.**
- 17.14.070 Merging and Re-subdividing Without Reversion.**

17.14.080 Requirements for Parcel Mergers and Un-mergers.

17.14.010 General.

Subdivided property may be reverted to acreage, and merged and unmerged, pursuant to the provisions of the Subdivision Map Act and this Chapter. (Legislative History Ord. No. 09-026.)

17.14.020 Initiation of Reversion Proceedings.

Proceedings to revert subdivided property to acreage may be initiated by petition of all owners of record of the property or by the Council.

A. **By Owners:** In the case of initiation by the owners, the petition shall be submitted to the Community Development Department and shall contain the following information:

1. Evidence of title to the real property.
2. Sufficient data to allow the Council to make the findings required in Section 17.14.040:
3. A final or parcel map consistent with the requirements of Chapter 7 (Final Maps) or Chapter 8 (Parcel Maps) and which delineates dedications which will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage."
4. Such other additional data as required by the Community Development Director or the City Engineer.

Each petition for reversion to acreage shall be accompanied by a nonrefundable filing fee as established by resolution of the Council.

B. **By Council:** The Council may, by resolution and after review by the Planning Commission, initiate proceedings to revert property to acreage. The Council shall direct the Community Development Department to obtain the necessary information to initiate and conduct the proceedings. (Legislative History Ord. No. 09-026.)

17.14.030 Review of Petition.

The notice, hearing and procedural requirements for review of a tentative map requiring Council approval shall be followed in connection with the review of a proposed reversion to acreage; provided that, upon the conclusion of the hearing

before the Council, the Council may approve the reversion to acreage and take final action on the proposed final map. (Legislative History Ord. No. 09-026.)

17.14.040 Findings for Reversion.

Subdivided property may be reverted to acreage only if the Council finds that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversions to acreage are unnecessary for present or prospective public purposes; and

B. Either:

1. All owners of an interest in the real property within the subdivision have consented to reversion; or

2. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

3. No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record.

(Legislative History Ord. No. 09-026.)

17.14.050 Conditions for Reversion.

The Council may require as conditions of the reversion:

A. The owners dedicate or offer to dedicate streets, public rights of way or easements;

B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the purposes or provisions of the Subdivision Map Act or this Title.

C. Such other conditions of reversion as are necessary to accomplish the purposes or provisions of the Subdivision Map Act or this Title or necessary to protect the public health, safety or welfare. (Legislative History Ord. No. 09-026.)

17.14.060 Filing With Solano County Recorder.

Upon approval of the reversion to acreage, the City Clerk shall transmit the final or parcel map, together with the Council resolution approving the reversion, to the

Solano County Recorder for recordation. Reversion shall be effective upon the final or parcel map being filed for record by the Solano County Recorder. (Legislative History Ord. No. 09-026.)

17.14.070 Merging and Re-subdividing Without Reversion.

Except as provided in Chapter 5 for merger of contiguous parcels under common ownership, subdivided lands may be merged and re-subdivided without reverting to acreage by complying with the applicable requirements for the subdivision of land as provided by this Title and the Subdivision Map Act. (Legislative History Ord. No. 09-026.)

17.14.080 Requirements for Parcel Mergers and Un-mergers.

Except as provided otherwise in this Chapter, the requirements for the merger and un-merger of parcels shall be as set forth in the Subdivision Map Act (Government Code Sections 66499.11 et seq.). (Legislative History Ord. No. 09-026.)

Chapter 17.15 Fees -- Bridges or Major Thoroughfares

Sections:

- 17.15.010 Fees – Bridges or Major Thoroughfares.**
- 17.15.020 General Conditions.**
- 17.15.030 Resolution of intention to Form District.**
- 17.15.040 Notice of Hearing.**
- 17.15.050 Public Hearing.**
- 17.15.060 Majority Protests.**
- 17.15.070 Resolution of District Formation.**
- 17.15.080 Fees Collected.**
- 17.15.090 Advance or Contribution of City Funds.**
- 17.15.100 Reimbursement to Subdivider or Developer.**

17.15.010 Fees - Bridges or Major Thoroughfares.

There may be required the payment of fees for the purpose of defraying the cost of constructing bridges or major thoroughfares in accordance with the conditions set forth in Section 66484 of the Subdivision Map Act. The purpose of this part is to provide the procedures, required by Section 66484, under which the Council could elect to require the payment of such fees and to afford the Council with an alternative means of financing such improvements. (Legislative History Ord. No. 09-026.)

17.15.020 General Conditions.

A. Facilities to be constructed shall conform to the general plan and for bridges to the transportation, circulation or flood control provisions thereof which identify railways, freeways, or streams for which bridge crossings are required, and in the case of major thoroughfares, to the provisions of the circulation element which identifies those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the State highway system.

B. Major thoroughfares to be constructed shall be those that are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time the boundaries of the area of benefit are established.

C. Bridges to be constructed shall be an original bridge serving the area or an addition to any existing bridge facility serving the area at the time the boundaries of the area of benefit are established. No fees shall be collected or expended to reimburse the cost of constructing existing bridge facilities.

D. In establishing the property liable for payment of fees under this Section, there may be included in the area of benefit land in addition to that which may be the subject of any subdivision map or building permit application being considered concurrently with the proceedings to create a benefitting district.

E. In determining the method of fee apportionment for major thoroughfares, land which abuts the proposed improvement shall not be allocated higher fees than land not abutting the improvement unless the abutting property is provided direct usable access to the major thoroughfare. (Legislative History Ord. No. 09-026.)

17.15.030 Resolution of Intention to Form District.

Whenever the Council deems it necessary to form a district representing an area of benefit under the provisions of this Chapter, the Council shall by resolution declare its intention to form such a district to establish fees for the construction of bridges or major thoroughfares. The resolution of intention shall state the following:

- A. The time and place of the public hearing;
- B. The boundaries of the area of benefit;
- C. The description of the proposed improvements;
- D. The estimated cost of the construction of the proposed improvements, including right-of-way design and contract administration;
- E. The estimated advance or contribution of funds by City;
- F. The method of fee apportionment;

G. The estimated fee which will be established as a condition of approval of final subdivision maps or for issuance of building permits; and

H. The method and time for filing of protests.

(Legislative History Ord. No. 09-026.)

17.15.040 Notice of Hearing.

Notice of hearing shall be given by the City Clerk as provided in Section 65091 and shall include preliminary information related to the boundaries of the area of benefit, estimated costs and the method of fee apportionment. The City Clerk shall also give any other notice of the hearing which is required by law. (Legislative History Ord. No. 09-026.)

17.15.050 Public Hearing.

At the time and place fixed in the resolution of intention, the Council shall hear any owner liable for the payment of fees who may appear and present testimony material to the matters set forth in the resolution of intention. Also, the Council shall hear and pass upon all written protests filed by the owners of land within the proposed improvement district. Written protests must be filed with the City Clerk prior to the time of the hearing and must contain a description of the property in which each signer thereof is interested. Each description must be in sufficient detail to clearly identify the same. If the signers of the protests are not shown on the last equalized assessment roll as the owners of such property, the protest must contain or be accompanied by written evidence that such signers are the owners of such property. The hearing may be continued from time to time by the Council. (Legislative History Ord. No. 09-026.)

17.15.060 Majority Protests.

A. If within the time when a protest may be filed under the provisions of this Section there is a written protest filed with the City Clerk by the owners of more than one-half of the area of the property to be benefitted by the improvements, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefitted, then the proposed proceedings shall be abandoned and the Council shall not, for one (1) year from the filing of that written protest, commence or carry on any proceedings for the same improvements or acquisition under the provision of this Section. Protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of the public hearing.

B. If any majority protest is directed against only a portion of the improvements, then all further proceedings under the provisions of this Section to construct that portion of the improvements so protested against shall be barred for a period of one

(1) year, but the Council shall not be barred from commencing new proceedings not including any part of the improvements or acquisition so protested against. Nothing in this Section shall prohibit the Council, within such one (1)-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds by the affirmative vote of four-fifths of its members that the owners of more than one-half of the area of the property to be benefitted are in favor of going forward with such portion of the improvements or acquisition. (Legislative History Ord. No. 09-026.)

17.15.070 Resolution of District Formation.

A. If a majority protest is not filed, or if filed and protests are withdrawn such that less than a majority protest exists at the conclusion of the hearing, the Council shall by resolution determine whether or not it is deemed necessary to form the district representing an area of benefit and establish the fees therefore. A certified copy of the resolution designating a benefitting district shall be recorded by the City in the office of the Solano County Recorder. The apportioned fees specified in said resolution shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for construction of a new building.

B. Any action or proceeding to attack, review, set aside, avoid or annul the resolution forming the district, designating the area of benefit and establishing the fees therefore, or any of the proceedings, acts or determinations taken, done or made prior to the adoption of such resolution shall not be maintained by any person unless such action or proceeding is commenced within sixty (60) days after the date of adoption of such resolution. Thereafter, all persons are barred from any such action or proceeding or from raising as a defense any defense of invalidity of such resolution or of such proceedings, acts or determinations.

C. Any defect, error or informality in the publication or mailing of notices of the hearing, or of the land owner or person interested in the land to receive the notice shall not invalidate any proceedings conducted or resolution adopted pursuant to this Section. (Legislative History Ord. No. 09-026.)

17.15.080 Fees Collected.

A. Fees paid pursuant to this Chapter shall be deposited in a planned bridge facility or major thoroughfare fund. A separate fund shall be established for each planned bridge facility project or major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area.

B. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefitted

and from which the fees comprising the fund were collected, or to reimburse the City for the cost of constructing the improvement.

C. A resolution adopted pursuant to this Chapter may provide for the dedication of land or construction of improvements in lieu of the payment of fees. (Legislative History Ord. No. 09-026.)

17.15.090 Advance or Contribution of City Funds.

A. The City may advance money from its general or other fund to pay the cost of constructing all or a portion of the improvement and may reimburse the general or other fund for such advance from planned bridge facility or major thoroughfare funds established to finance the construction of such improvements.

B. Where the area of benefit includes lands not subject to the payment of fees pursuant to this Section, the Council shall make provision for payment of the share of the improvement cost apportioned to such land from sources other than the planned bridge facility or major thoroughfare fund. (Legislative History Ord. No. 09-026.)

17.15.100 Reimbursement to Subdivider or Developer.

Whenever a subdivider or land developer is required to pay a fee for the construction of a bridge or improvement of a major thoroughfare as a condition precedent to the acceptance of a final subdivision map or as a condition of issuing a building permit and the facility is, or is to be, dedicated to the public, the Council may contract with the subdivider or land developer for the construction of the bridge or improvement of a major thoroughfare, and reimburse the subdivider or land developer for the cost of constructing the facility from the fees collected from the benefitting district. (Legislative History Ord. No. 09-026.)

Chapter 17.16 Regulation for Dedication of Land, Payment of Fees, or Both, for Park and Recreational Purposes

Sections:

- 17.16.010 General Requirement.**
- 17.16.020 General Standards.**
- 17.16.030 Standards and Formulas for Dedication of Land.**
- 17.16.040 Formula for Fees in Lieu of Land Dedication.**
- 17.16.050 Calculation of In Lieu Fees; Appraisal**
- 17.16.060 Use of Fees.**
- 17.16.070 Determination of Land or Fee.**
- 17.16.080 Time Schedule for Use of Land/Fees.**

- 17.16.090 Credits.**
- 17.16.100 Computation of Credit.**
- 17.16.110 Procedure.**
- 17.16.120 Exemptions.**
- 17.16.130 Access Requirements.**
- 17.16.140 Sale of Dedicated Land.**
- 17.16.150 Phased Maps.**

17.16.010 General Requirement.

As a condition of approval of a final subdivision map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this Chapter. (Legislative History Ord. No. 09-026.)

17.16.020 General Standards.

It is hereby found and determined that the public interest, convenience, health, welfare and safety require that five (5) net acres of property for each one thousand (1,000) persons residing within the City be devoted to local recreation and park purposes. (Legislative History Ord. No. 09-026.)

17.16.030 Standards and Formulas for Dedication of Land.

Where a community or neighborhood recreational or park facility, or both, has been designated in the General Plan or in an applicable specific plan, and are to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a community or neighborhood recreation or park facility, or both, sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula: Where the City requires the dedication of land, the subdivider or owner shall dedicate land for local recreational or park facilities according to the formula $D \times F = A$ in which:

- D = the number of dwelling units
- F = a "factor" herein described
- A = the buildable acres to be dedicated.

A buildable acre is a typical acre of the subdivision, with a slope less than 10%, and located in other than an area on which building is excluded because of flooding, public rights-of-way, easements, or other restrictions.

The factors for various residential dwelling types are constants which, when multiplied by the number of dwelling units permitted in the subject area, will produce

five (5) acres per thousand population. Unless the subdivider enters into an agreement with the City for a lower density, the number of dwelling units shall be calculated as follows:

A. When a rezoning application accompanies the tentative map, density shall be calculated according to the highest density of the zoning designation applied for;

B. When the tentative map is not accompanied by a rezoning application, density shall be calculated according to the highest density of the existing zoning designation or existing specific plan density designation, whichever allows the highest density; provided, however, that upon completion of build-out, if the actual number of dwelling units built is less than the highest density permitted in the applicable zone, then the subdivider may, within five (5) years after payment of the fee, apply for a refund, without interest, of the difference between the fee actually paid and a fee calculated on the basis of the actual density.

The factors referred to above are as follows:

- F1 = .0151 relating to one family dwelling units
- F2 = .0120 relating to two family dwelling structures
- F3 = .0169 relating to three to ten family dwelling structures
- F11 = .0129 relating to eleven plus family dwelling structures
- FM = .0160 relating to mobile homes or other dwellings

The subdivider shall: (1) provide full street improvements, including but not limited to curbs, gutters, street paving, traffic control devices, street lights, and sidewalks, to land which is dedicated pursuant to this Section; (2) provide for fencing meeting City requirements along the property line of that portion of the subdivision contiguous to the dedicated land; (3) provide improved surface drainage from/through the site; and (4) provide other improvements which the Council determines to be essential to the acceptance of the land for recreational purposes. (Legislative History Ord. No. 09-026.)

17.16.040 Formula for Fees in Lieu of Land Dedication.

A. If no community or neighborhood park or recreational facility is designated in the City General Plan or in an applicable specific plan to be located in whole or in part within the proposed subdivision to serve the needs of the residents of the subdivision, or where the Council requires the payment of in lieu fees, the subdivider shall, in lieu of dedication of land, pay a fee equal to the value of the land prescribed for dedication in Section 17.16.030 hereof and in an amount determined in

accordance with the provisions of Section 17.16.050 hereof, such fee to be used for recreational and park facilities which will serve the residents of the area being subdivided.

B. If the proposed subdivision contains fifty (50) parcels or less, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in Section 17.16.030 hereof, and in an amount determined in accordance with the provisions of Section 17.16.050. (Legislative History Ord. No. 09-026.)

17.16.050 Calculation of In Lieu Fees; Appraisal.

When a fee is to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value as described below, plus twenty percent (20%) for off-site improvements such as utility line extensions, curb, gutter and pavement and street lights.

A. The amount to be paid shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

- A = The amount of land required for dedication as determined in Section 17.16.030.
- V = Fair market value (per acre) of the property to be subdivided, as established by an appraisal;
- M = The number of dollars to be paid in lieu of dedication of land, which includes 20% for off-site improvements.

B. For purposes of calculating the in-lieu fee under this Section, the subdivider shall cause an appraisal of the property to be subdivided to be made. The appraisal shall be made at the subdivider's expense by an active MAI, SREA or SRPA member in good standing of the Appraisal Institute, or an active ASA (Urban Real Property) member in good standing of the American Society of Appraisers, and shall meet the standards observed by a competent member of the professional organization. The appraiser shall appraise the land at its unencumbered (free and clear) value, as if at the approved tentative map stage of development and as if any assessments or other encumbrances to which the property is subject had been paid off in full prior to the date of appraisal. The fair market value shall be for the gross tentative map area. Factors to be considered during the evaluation shall include the following:

1. Approval of and conditions of the tentative subdivision map;

2. The General Plan;
3. Zoning and density;
4. Property location;
5. Off-site improvements facilitating use of the property;
6. Site characteristics of the property;
7. Existing encumbrances (e.g., existing streets, canals) which have the effect of reducing usable gross tentative map area.

The appraisal shall value the property as of a date no earlier than 90 days prior to the recording of the final map, or the payment of the fee, whichever occurs later. The appraisal shall clearly state the fair market value (V) of the property in dollars per gross acre. Three (3) copies of the appraisal shall be delivered to the City Engineer for distribution. In-lieu of an appraisal, the applicant may provide documentation of the actual cost to purchase said land if said purchase occurred within one year of the approval of the tentative map. (Legislative History Ord. No. 09-026.)

17.16.060 Use of Fees.

Fees collected pursuant to this Chapter shall be used and expended solely for the acquisition, improvement, and expansion of the public parks, playgrounds and recreational facilities reasonably related to serve the needs of the residents of the proposed subdivision. Said fees may also be used for the development of recreational areas and facilities on public school grounds or other public lands which provide a desirable recreational site and access to the public. (Legislative History Ord. No. 09-026.)

17.16.070 Determination of Land or Fee.

Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

- A. The Public Services and Facilities element of the City General Plan;
- B. Topography, geology, access and location of land in the subdivision available for dedication;
- C. Size and shape of the subdivision and land available for dedication;
- D. Feasibility of dedication;

E. Compatibility of dedication with the City of Dixon's Parks Master Plan; and

F. Availability of previously acquired park property. The determination of the Council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

G. Whether the parcel can be conveyed to the City free of all taxes, assessments and liens of record that would adversely affect the City's ability to use the property for its intended purpose. (Legislative History Ord. No. 09-026.)

17.16.080 Time Schedule for Use of Land/Fees.

Any fee collected under the ordinance shall be committed within five (5) years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then-record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision. (Legislative History Ord. No. 09-026.)

17.16.090 Credits.

A. The City may grant credits for privately owned and maintained open space or local recreation facilities, or both, in planned developments as defined in Section 11003 of the Business and Professions Code, condominiums as defined in Section 783 of the Civil Code, and other common interest developments. Such credit, if granted in acres, or comparable in lieu fees, shall not exceed twenty-five percent (25%) of the dedication or fees, or both, otherwise required under this Chapter, and shall be subtracted from the dedication or fees, or both, otherwise required under this Chapter, provided:

1. Yards, court areas, setbacks, and other open space areas required to be maintained by this Title and other regulations shall not be included in private open space and local recreation credit;
2. Provision is made by written agreement, recorded covenants running with the land, or other contractual instrument that the areas shall be adequately maintained;
3. The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the express written consent of the Council.

B. Land or facilities, or both, which may qualify for credit towards the land dedication or in lieu fee, or both, will generally include the following types of open space or local recreational facilities; provided, however, that credit for each of the

following categories shall not exceed five percent (5%) of the dedication or fees, or both, otherwise required under this Chapter:

1. Open spaces, which are generally defined as parks, extensive areas with tree coverage, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000) square feet.
2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts or similar hard-surfaced areas especially designed and exclusively used for court games.
3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouse, or other facilities developed and used exclusively for swimming and diving.
4. Recreation buildings, designed and primarily used for the recreational needs of the residents of the development.
5. Special areas, which are generally defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorcycle/bicycle trails, including pedestrian walkways separated from public roads, improved access or right-of-way in excess of requirements, and similar type open space or recreational facilities which, in the sole judgment of the City of Dixon, qualifies for a credit.

C. The Council shall grant credit for land dedicated or fees paid pursuant to this Chapter, or both, under a previously approved final subdivision map or parcel map in the event a new map is submitted for approval. Such credit shall be subtracted from the dedication or fees required under this Chapter, or both, for the new map; provided, that in no event shall the City be required to return any fees paid or any land dedicated as a condition of a previously approved final map pursuant to this Section. (Legislative History Ord. No. 09-026.)

17.16.100 Computation of Credit.

The categories for credit for private open space and facilities described in Section 17.16.090 shall be given equal weight, each category not to exceed twenty percent (20%) of the total which may be granted by the City. The Council may, however, upon petition of the subdivider, grant additional credit for each of the above categories if there is substantial evidence that:

1. The open space or recreational facilities is above average in aesthetic

quality, arrangement or design; or,

2. The open space or recreational facility is clearly proportionately greater in amount or size than required by this Title or usually provided in other similar types of development; or,
3. The open space or recreational facility is situated so as to compliment open space or local recreational facilities in other private or public developments.

(Legislative History Ord. No. 09-026.)

17.16.110 Procedure.

A. At the time of the hearing on the tentative subdivision map, the Commission shall recommend to the Council, after reviewing the report and recommendation from the Community Development Director, that land be dedicated or fees be paid, or both, by the subdivider for park or recreational purposes as a condition of approval of the subdivision map. The recommendation by the Community Development Director shall include the following where applicable:

1. The amount of land to be dedicated;
2. That a fee be charged in lieu of dedication;
3. That both dedication and a fee be required;
4. That a credit be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.16.090;
5. The location of the park land to be dedicated;
6. The approximate time when development of the park or recreation facility shall be commenced.

B. At the time of its hearing on the tentative subdivision map, the Commission or Council shall determine the amount of land required to be dedicated under this Chapter and Section 17.16.030, whether or not a fee is to be charged in lieu of any or all of the required dedication, whether a credit is to be given for private recreation facilities, unique natural and special features, or for any other reason provided in Section 17.16.090, and the location of the park land to be dedicated, if any. In making its determination, the Council shall be guided by the standards contained in this Chapter where applicable.

C. At the time of the filing of a final subdivision or parcel map including the same amount of land as included in the applicable tentative map, the subdivider shall dedicate the land or pay the fees, as previously determined by the Commission or the Council. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to approval of the final subdivision map or parcel map and shall be recorded contemporaneously with the final subdivision map. (Legislative History Ord. No. 09-026.)

17.16.120 Exemptions.

The provisions of this Chapter shall not apply to subdivisions:

A. Not used for residential purposes; provided, however, that a condition shall be placed on the approval of such subdivision that if a building permit is requested for construction of a residential structure or structure on one or more of the parcels within four (4) years of the filing of the map, the owner of each such parcel shall be required to pay an in-lieu fee pursuant to this Chapter, calculated as of the date the building permit is issued, as a condition to the issuance of a building permit; a note to this effect shall be placed on the final map.

B. To permit separate ownership of two or more existing residential dwelling units when all such units are more than five (5) years old and no new units are added. (Legislative History Ord. No. 09-026.)

17.16.130 Access Requirements.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the Commission or the Council if the Commission or the Council determines that public street access is unnecessary for the maintenance of the park area or use thereof by the residents. (Legislative History Ord. No. 09-026.)

17.16.140 Sale of Dedicated Land.

If, during the ensuing time between dedication of land for park purposes and the commencement of development, circumstances arise which indicate that another site would be more suitable for park or recreational purposes serving the subdivision and the neighborhood (such as a gift of park land or change in school location) by mutual agreement of the subdivider or owner and the Council, the land may be sold upon the approval of the Council with the resultant funds being used for the purchase of a more suitable site. (Legislative History Ord. No. 09-026.)

17.16.150 Phased Maps.

A. At the time of the filing of a final subdivision or parcel map including less land

than was included in the tentative map, the Community Development Director shall recalculate the amount of land required to be dedicated in accordance with this Chapter, based on the land included in the proposed final subdivision or parcel map.

B. If the Approving Authority determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the payment of a fee, or that land located within the proposed final subdivision or parcel map be dedicated, or both, and the amount of such land is equal to or smaller than the amount of land required to be dedicated pursuant to (a) of this Section, the subdivider shall dedicate the land or pay the fees, or both, at the time of filing the final subdivision or parcel map.

C. If the Council determined at the hearing on the tentative map that the requirements of this Chapter would be satisfied by the dedication of land located outside the proposed final subdivision or parcel map or the amount of land required to be dedicated at the time of approving the tentative map exceeds the amount required to be dedicated pursuant to (a) of this Section, the Community Development Director shall recommend that the subdivider:

1. dedicate full title to part of the park site; or
2. dedicate as specified in (c)(1) of this Section and enter into an agreement with the City to reserve the undedicated portion; or
3. solely pay in-lieu fees; and/or
4. be granted credit(s) in accordance with Section 17.16.100 and 17.16.110.

If the subdivider concurs with the recommendation of the Community Development Director, the subdivider shall dedicate the land, or pay the fees, or both, in accordance with the recommendation prior to filing the final subdivision or parcel map. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

If the subdivider objects to the recommendation of the Community Development Director, the Council shall determine at a public hearing the land to be dedicated, whether a fee is to be charged, and whether any credits shall be granted. Prior to filing the final subdivision or parcel map, the subdivider shall dedicate the land, or pay the fees, or both, as determined by the Council. Open space covenants for private park or recreational facilities shall be submitted to the Council prior to the approval of the final subdivision map or parcel map and shall be recorded at the same time as the final map.

D. Nothing in Subsection 17.16.150.C shall be construed to:

1. require the dedication of land located outside the proposed final subdivision or parcel map; or
2. prohibit a subdivider from dedicating land in excess of the amount required to be dedicated pursuant to Subsection 17.16.150.A.

(Legislative History Ord. No. 09-026.)

Chapter 17.17 - Covenants For Easements

Sections:

- 17.17.010 Creation of Covenant for Easements: Purposes.**
- 17.17.020 Requirements for Creation.**
- 17.17.030 Enforcement.**
- 17.17.040 Recording; Contents; Effect.**
- 17.17.050 Release of Covenant; Procedure and Hearing.**
- 17.17.060 Recordation of Release.**
- 17.17.070 Fees for Processing Covenant for Easement and Release From Covenant for Easement.**
- 17.17.080 Limitation Upon Enforcement of Covenant.**

17.17.010 Creation of Covenant for Easements: Purposes.

In addition to any other method for the creation of an easement, an easement may be created pursuant to this Title and Government Code Sections 65871 to 65875 by a recorded covenant of easement made by an owner of real property to the City. An easement created pursuant to this article may be for parking, ingress, egress, emergency access, light and air access, landscaping, or open-space purposes. The covenant of easement may be required by the Approving Authority as a condition of approval of any tentative subdivision map, parcel map, zoning, rezoning, conditional use permit, variance or other land use entitlement, permit or similar approval granted to the owner of real property within the City by a public body of the City or by a public officer of the City. (Legislative History Ord. No. 09-026.)

17.17.020 Requirements for Creation.

At the time of recording of the covenant of easement, all the real property benefitted or burdened by the covenant shall be in common ownership. The covenant shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Chapter 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to conveyance of the affected real

property. A covenant of easement recorded pursuant to this Article shall describe the real property to be subject to the easement and the real property to be benefitted thereby. The covenant of easement shall also identify the approval, permit, or designation granted by the City and relied upon or required by the covenant. (Legislative History Ord. No. 09-026.)

17.17.030 Enforcement.

A covenant executed pursuant to this Section shall be enforceable by the owner or owners of the real property benefitted by the covenant and their successors in title. In addition, the City may enforce such covenant through any manner provided for by law for the enforcement of the covenant by a person who is a third party beneficiary of such a covenant. (Legislative History Ord. No. 09-026.)

17.17.040 Recording; Contents; Effect.

The covenant of easement shall be executed by all persons having an interest in the property, as determined by the City Attorney, and delivered to the City Clerk for recordation by the City Clerk in the Office of the Recorder of Solano County. The covenant shall contain a legal description of the real property. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of the state. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property. (Legislative History Ord. No. 09-026.)

17.17.050 Release of Covenant; Procedure and Hearing.

Once a covenant for easement has been created, it shall only be released by resolution adopted by the Council following a noticed public hearing. The resolution adopted by the Council shall specifically release the property burdened with such easement from the effect of such covenant. The hearing shall be held upon the request of any person whether or not that person has title to the real property. Notice of the public hearing shall be given as provided in Government Code Section 65090 and shall include any notice required by Government Code Section 69092. If the application is not filed by all persons having an interest in the real property either benefitted or burdened by the covenant, then notice of said hearing, as defined by Government Code Section 65094, shall be given by the applicant to each such person who has an interest in the property and has not joined in the application not later than ten (10) days prior to the date of such hearing. Proof of the giving of such notice shall be provided by the applicant to the City Clerk not later than five (5) days prior to the date of said hearing. Any person seeking release of the covenant shall provide the City, at the time of filing of an application for such release, a title guarantee naming the City as the insured, listing all persons having a record interest in the property benefitted by and burdened by the covenant as of the date of the filing of said application. (Legislative History Ord. No. 09-026.)

17.17.060 Recordation of Release.

Upon a determination by the Council that the restriction of the property is no longer necessary to achieve the land use goals of the City, a release shall be executed by the Mayor and City Clerk and recorded by the City Clerk in the Office of the Recorder of Solano together with a certified copy of the resolution authorizing such release. (Legislative History Ord. No. 09-026.)

17.17.070 Fees for Processing Covenant for Easement and Release From Covenant for Easement.

The Council may adopt a resolution providing for the imposition of fees to recover the reasonable costs to the City of processing both the covenant for the easement and the release for the covenant for an easement. Said fees shall be in addition to any other fee imposed by ordinance or resolution of the City in connection with the processing of the approvals or entitlements listed in Section 17.17.010. (Legislative History Ord. No. 09-026.)

17.17.080 Limitation Upon Enforcement of Covenant.

Nothing in this Article shall create in any person other than the City and the owner of the real property burdened or benefitted by the covenant standing to enforce or to challenge the covenant or any amendment thereto or release there from. (Legislative History Ord. No. 09-026.)

Chapter 17.18 Enforcement

Sections:

- 17.18.010 Enforcement – Generally.**
- 17.18.020 Illegal Subdivisions – Notices.**
- 17.18.030 Illegal Subdivisions – Subsequent Permits and Approvals.**
- 17.18.040 Certificate of Compliance.**
- 17.18.050 Appeals of Actions of Community Development Director or City Engineer.**

17.18.010 Enforcement - Generally.

Except as otherwise provided herein, the Community Development Director is authorized and directed to enforce this Title and the Subdivision Map Act for subdivisions within the City. The City Attorney is authorized on behalf of the City of Dixon to file a suit in a superior court of competent jurisdiction to restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in violation of the

Subdivision Map Act, this Title, or the conditions and term of approvals granted there under. (Legislative History Ord. No. 09-026.)

17.18.020 Illegal Subdivisions - Notices.

Whenever the City has knowledge that real property has been divided in violation of the Subdivision Map Act or this Title, the Community Development Director shall, upon receipt of information of such violation, file the notices required by Section 66499.36 of the Subdivision Map Act and thereafter follow the procedures set forth in that Section. The hearing required for by that Section shall be held before the Commission. (Legislative History Ord. No. 09-026.)

17.18.030 Illegal Subdivisions - Subsequent Permits and Approvals.

No officer or employee of the City shall issue a permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a subdivision, in violation of the provisions of the Subdivision Map Act or this Title, if either the Community Development Director finds and determines that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefore was the owner of record at the time of such violation or whether the applicant therefore is either the current owner of record or a vendee thereof with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in such real property.

If the officer or employee of the City issues a permit or grants approval for the development of any real property illegally subdivided, the officer or employee shall impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property as determined by the Community Development Director. If the property has the same owner of record as at the time of the initial violation, the Community Development Director or City Engineer, or both, may impose conditions applicable to a current division of the property. If a conditional certificate of compliance has been filed for record in accordance with the provisions of Section 17.18.040, only those conditions stipulated in that certificate shall be applicable. (Legislative History Ord. No. 09-026.)

17.18.040 Certificate of Compliance.

The City shall issue certificates of compliance or conditional certificates of compliance as authorized in Section 66499.35 of the Subdivision Map Act as follows:

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request the Community Development Director to determine whether the real property complies with the provisions of the

Subdivision Map Act and this Title. A written application for a certificate of compliance shall be accompanied by a preliminary title report not more than six months old that shows the legal owners of the property.

B. If the Community Development Director determines that the real property complies with the provisions of the Subdivision Map Act and this Title, the Department shall file a certificate of compliance for record with the Solano County Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this Title.

C. If the Community Development Director determines that the real property does not comply with the provisions of the Subdivision Map Act or this Title, the Community Development Director may, as a condition to granting a certificate of compliance, impose conditions in accordance with Section 17.18.030. Upon the Community Development Director's making such a determination and establishing such conditions, the Department shall file a conditional certificate of compliance of record with the Solano County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

D. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

E. Subject to the provisions of Section 66499.35 (E) of the Subdivision Map Act, an official map prepared pursuant to Section 66499.52 (B) of the Subdivision Map Act shall constitute a certificate of compliance with respect to the parcels of real property described therein.

F. A fee shall be charged to the applicant for making the determination and processing the certificate of compliance in the amount provided for by resolution of the Council. (Legislative History Ord. No. 09-026.)

17.18.050 Appeals of Actions of Community Development Director or City Engineer.

The actions of the Community Development Director and City Engineer under this Chapter shall be subject to appeal to the Commission as provided in Section 17.01.050 of this Title. (Legislative History Ord. No. 09-026.)

TITLE 18
[Reserved]